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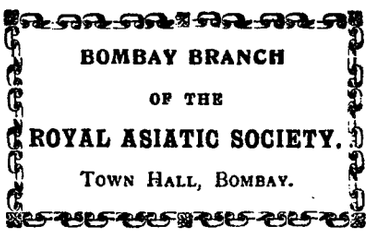

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THE

STATUTES

OF

THE UNITED KINGDOM,

OF

GREAT BRITAIN AND IRELAND

5 & 6 *VICTORIÆ,*

1842.

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A

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Containing the TITLES of all

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OF

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5° & 6° VICTORIÆ.

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xlii. An Act for improving the Navigation of *Faversham Creek* in the County of *Kent*. *Ibid.*

xliii. An Act to amend the Act relating to the *Saint Philip's Bridge* in the City and County of *Bristol*, and for widening and improving the Approaches to the said Bridge. *Ibid.*

xliv. An Act for the Promotion of the Health of the Inhabitants of the Borough of *Liverpool*, and the better Regulation of Buildings in the said Borough. *Ibid.*

xlv. An Act to alter some of the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, relating to the *New Cross* Turnpike Roads, in the Counties of *Kent* and *Surrey*. *Ibid.*

xlvi. An Act for granting further Powers to the *Bristol and Gloucester* Railway Company. *Ibid.*

xlvii. An Act to alter and amend the Provisions of the Act for opening a Street to *Clerkenwell Green* in the County of *Middlesex*. *Ibid.*

xlviii. An Act for paving, lighting, watching, cleansing, and improving *Ely Place* and *Ely Mews*, *Holborn*, in the County of *Middlesex*. *Ibid.*

xlix. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Fleetwood* and the Neighbourhood thereof in the County Palatine of *Lancaster*, and for establishing a Market therein. *Ibid.*

l. An Act to alter and amend an Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, for lighting and watching certain Parts of the Liberties, Hamlets, or Districts of *Camberwell* and *Peckham* in the County of *Surrey*. *Ibid.*

li. An Act to explain an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of* Saint Pancras *in the County of* Middlesex. *Ibid.*

lii. An Act to restrict the vexatious Removal of certain Actions from the Borough Court of *Liverpool*. 572

liii. An Act for enabling the *Saundersfoot* Railway and Harbour Company to make a Floating Dock at *Saundersfoot* in the County of *Pembroke*, and for extending the Provisions of the Act relating to the said Company with reference to the said Harbour. *Ibid.*

liv. An Act for further improving, enlarging, and maintaining the Harbours of the Town of *Greenock*. *Ibid.*

lv. An Act for transferring to the Trustees of the River *Welland* in the County of *Lincoln* certain Dues payable in respect of Vessels using the said River, Part of the Port and Harbour of *Boston*, and their Cargoes, for better effecting Improvements authorized by a former Act; and for amending several Acts relating to the same. *Ibid.*

lvi. An Act for the Improvement of the Port and Harbour of *Drogheda*. *Ibid.*

lvii. An Act to explain and amend the Powers and Provisions of the Act relating to the *Warkworth* Harbour in the County of *Northumberland*. *Ibid.*

lviii. An Act for amending the Acts relating to the *Gravesend* Town Quay and Pier. *Ibid.*

lix. An Act for erecting a Pier at the Royal Terrace Gardens in the Town of *Gravesend* in the County of *Kent*. *Ibid.*

lx. An Act for amending the several Acts relating to the Port and Harbour of *Boston* in the County of *Lincoln*. *Ibid.*

lxi. An Act for authorizing the Conveyance of a Piece of Land upon which a Church at *Kingstown* in the County and Diocese of *Dublin* and Parish of *Monkstown* has been erected, and for providing for the due Celebration of Divine Service in the said Church, and for assigning a District thereto. *Page* 572

lxii. An Act to amend an Act for erecting a Harbour at *Ardrossan* in the County of *Ayr*, and to provide for the Improvement of the said Harbour. *Ibid.*

lxiii. An Act for regulating and maintaining the Fisheries in the Rive *Tyne*. *Ibid.*

lxiv. An Act for regulating legal Proceedings by or against "The Guarantee Society," and for granting certain Powers thereto. *Ibid.*

lxv. An Act to enable the City of *Glasgow* Life Assurance and Reversionary Company to sue and be sued; and for other Purposes relating to the said Company. 573

lxvi. An Act to enable "The Imperial Insurance Company" to alter some of the Provisions of their Deed of Settlement, and better regulate their Proceedings and the Investment of their Funds. *Ibid.*

lxvii. An Act for regulating legal Proceedings by or against "The Indemnity Mutual Marine Assurance Company." *Ibid.*

lxviii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act relating to the *Holywell* District of Turnpike Roads in the County of *Flint*, and for making new Roads to communicate therewith. *Ibid.*

lxix. An Act to amend the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for more effectually repairing and improving the Road from* Market Harborough *in the County of* Leicester *to* Brampton *in the County of* Huntingdon. *Ibid.*

lxx. An Act for more effectually repairing the Roads from the Borough of *Leicester* to *Narborough*, and from the said Borough of *Leicester* to *Earl Shilton*, and from *Earl Shilton* to *Hinckley*, all in the County of *Leicester*. *Ibid.*

lxxi. An Act to explain and amend an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of *Lincoln*. *Ibid.*

lxxii. An Act for maintaining certain Roads in the County of *Salop* called The *Church Stretton* and *Longden* Roads. *Ibid.*

lxxiii. An Act for more effectually repairing the Road from *Bolton* to *Westhoughton* in the County Palatine of *Lancaster*. *Ibid.*

lxxiv. An Act for more effectually repairing the Road from the Borough of *Leicester* in the County of *Leicester* to the Town of *Ashby-de-la-Zouch* in the said County. 574

lxxv. An Act to alter and amend the Acts for making, repairing, and keeping in repair the Road from *Stonehaven*, through the *Slug Mount*, to the Bridge at *Coblehaugh*, in the County of *Kincardine*. *Ibid.*

lxxvi. An Act to amend an Act of His late Majesty King *George* the Fourth, for repairing the Road from *Dundalk* in the County of *Louth*, to *Bannbridge* in the County of *Down*, so far as relates to the Southern Division of the said Road. *Ibid.*

lxxvii. An Act for repairing and maintaining several Roads leading from the Town of *Kington*, and other Roads branching therefrom, in the County of *Hereford*. *Ibid.*

lxxviii. An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, for supplying the Towns of *Old* and *New Brentford* in the County of *Middlesex*, and other Places therein mentioned, with Gas; and to raise a further Sum of Money for carrying on the said Undertaking. *Page* 574

lxxix. An Act for incorporating the South Metropolitan Gas Light and Coke Company, and for more effectually lighting with Gas certain Places within the Borough of *Southwark*, and other Parishes and Places in the Counties of *Surrey* and *Kent*. *Ibid.*

lxxx. An Act for completing the Railway Communication between the Towns of *Newcastle-on-Tyne* and *Darlington*, by a Railway to be called the *Newcastle and Darlington Junction* Railway, with a Branch to the City of *Durham*. *Ibid.*

lxxxi. An Act for making a Branch Railway from the *London and Birmingham* Railway at *Coventry* to communicate with the Towns of *Warwick* and *Leamington* in the County of *Warwick*. *Ibid.*

lxxxii. An Act for making a Railway from *Great Yarmouth* to *Norwich* in the County of *Norfolk*. *Ibid.*

lxxxiii. An Act for enabling the *Dundee* and *Arbroath* Railway Company to raise a further Sum of Money, and to amend the Provisions of the Act relating to the said Railway. *Ibid.*

lxxxiv. An Act for the Abandonment of a Portion of the Line of the *Great North of England* Railway, and for altering and amending the Acts relating thereto. 575

lxxxv. An Act for regulating legal Proceedings by or against "The Metropolitan Patent Wood Paving Company," and for granting certain Powers thereto. *Ibid.*

lxxxvi. An Act for repairing, improving, and maintaining the Road leading from *Ferrybridge*, through *Wetherby*, to *Boroughbridge* in the County of *York*. *Ibid.*

lxxxvii. An Act to amend, alter, and enlarge the Powers and Provisions of an Act for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury* in the County of *Suffolk*. *Ibid.*

lxxxviii. An Act for the Administration of the Laws relating to the Poor in the Parish of *Liverpool* in the County of *Lancaster*. *Ibid.*

lxxxix. An Act for extending and enlarging some of the Provisions of an Act relating to the *Thames Haven* Dock and Railway. *Ibid.*

xc. An Act for the maintaining and better regulating of the *Stockton and Hartlepool* Railway, and for incorporating the Proprietors thereof. *Ibid.*

xci. An Act for constructing a Low-water Pier and necessary Works at *Burntisland* in the County of *Fife*, and establishing a Ferry between the same and *Granton* in the County of *Edinburgh*, and for improving the Communication between the said Pier and *Kinghorn*. *Ibid.*

xcii. An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, for repairing the Road from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecomer*, so far as relates to the Second Division of the said Road. *Ibid.*

xciii. An Act for repairing and improving the Road from *Tadcaster* to *Otley* in the West Riding of the County of *York*. *Ibid.*

xciv. An Act for repairing and maintaining several Roads leading from the Town of *Bromyard* in the County of *Hereford*, and other Roads adjoining thereto in the said County and in the County of *Worcester*, and for making several new Lines of Road connected therewith in the same Counties. *Page* 576

xcv. An Act for repairing the several Roads leading to and from the Market House in *Stourbridge* in the County of *Worcester*, and several other Roads connected with the said Roads in the Counties of *Worcester*, *Stafford*, and *Salop*. *Ibid.*

xcvi. An Act to amend an Act for incorporating and granting certain Powers to the *North American* Colonial Association of *Ireland*, and for explaining, altering, and enlarging the Provisions thereof. *Ibid.*

xcvii. An Act to alter and amend the Powers and Provisions of the Acts relating to the making and maintaining of a Pier and other Works at *Deptford* in the County of *Kent*. *Ibid.*

xcviii. An Act to enable the Sheriffdom of *Ross* and *Cromarty* to provide proper Court House Accommodations, and for other Purposes relative thereto. *Ibid.*

xcix. An Act to enable the "*Forth* Marine Insurance Company" to sue and be sued, and for other Purposes. *Ibid.*

c. An Act for making and maintaining as Turnpike the Road leading from the *Preston* and *Blackburn* Turnpike Road at *Finnington* in the Township of *Chorley* in the County of *Lancaster*. *Ibid.*

ci. An Act for further extending the Approaches to *London Bridge* and the Avenues adjoining to the *Royal Exchange* in the City of *London*, and for amending the Acts relating thereto respectively; and for raising a Sum of Money towards opening a Street to *Clerkenwell Green* in the County of *Middlesex* in continuation of the new Street from *Farringdon Street* in the City of *London*. *Ibid.*

cii. An Act for amending some of the Powers of the Acts relating to the *London and Greenwich* Railway. *Ibid.*

ciii. An Act for providing additional Burial Grounds in the Parish of *Leeds* in the West Riding of the County of *York*. *Ibid.*

civ. An Act for better lighting, cleansing, sewering, and improving the Borough of *Leeds* in the County of *York*. *Ibid.*

cv. An Act for better paving and improving the Streets and Highways within the Extra-parochial Place of *Toxteth Park* in the County Palatine of *Lancaster*, and for the Sewerage of certain Parts of the said Place 577

cvi. An Act for the Improvement, good Government, and Police Regulation of the Borough of *Liverpool*. *Ibid.*

cvii. An Act for making a new Street from *Blackman Street* to the *Southwark Bridge Road*, and for improving the District called the *Mint*, all in the Parish of *Saint George the Martyr* in the Borough of *Southwark* in the County of *Surrey*. *Ibid.*

cviii. An Act for better enabling The *Liverpool* and *Manchester* Railway Company to extend the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway. *Ibid.*

cix. An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Sonning*, near the Town of *Reading* in the County of *Berks*. *Ibid.*

cx. An Act for better preserving the Navigation of the River *Mersey*. *Ibid.*

cxi. An Act for making and maintaining and improving a Harbour at *Wicklow* in the County of *Wicklow*. *Page* 577

cxii. An Act for maintaining and improving certain Roads in the Counties of *Lanark*, *Ayr*, and *Renfrew*; for maintaining a Bridge over the River *Clyde* at *Dalmarnock*, and for other Purposes connected therewith. *Ibid.*

cxiii. An Act to enable the Court of Chancery to appoint a Person or Persons to sue on behalf of the Copartnership of Bankers lately carrying on Business, under the Firm of "The Imperial Bank of *England*," in lieu of the Public Officer. *Page* 577

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Clee* in the County of *Lincoln*. *Page* 579

2. An Act for inclosing and dividing *Wakeyhill Common* in the Parish of *Stapleton* in the County of *Cumberland*. *Ibid.*

3. An Act for inclosing Lands in the Parish of *Cottenham* in the County of *Cambridge*. *Ibid.*

4. An Act for vesting certain Freehold Messuages, Fee Farm Rents, and Hereditaments, respectively situate and arising in the City of *London*, devised and settled by the Will of *Broome Witts* Esquire, deceased, in Trustees, for Sale, and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner; and also for enabling the Trustees, as to some of such Messuages and Hereditaments, in the meantime, and until Sale thereof, to grant Leases thereof for the Term of Twenty-one Years, or, in order that the same may be repaired, rebuilt, or improved, for a longer Period. *Ibid.*

5. An Act for inclosing Lands in the Parish of *Kingsclere* in the County of *Southampton*. *Ibid.*

6. An Act for inclosing Lands in the Parish of *Buckland* in the County of *Buckingham*. 580

7. An Act for inclosing Lands in the several Parishes of *Huish Champflower*, *Clatworthy*, and *Brompton Ralph*, in the County of *Somerset*. *Ibid.*

8. An Act for inclosing Lands in the Parish of *Yate* in the County of *Gloucester*. *Ibid.*

9. An Act for dividing, allotting, and inclosing Lands in the Parishes of *Ormesby Saint Margaret*, *Ormesby Saint Michael*, *Ormesby Saint Peter*, *and Ormesby Saint Andrew*, and *Scratby* otherwise *Scroteby*, in the County of *Norfolk*. *Ibid.*

10. An Act for inclosing Lands in the Parish of *Medbourn* in the County of *Leicester*. *Ibid.*

11. An Act to enable the Trustees of Estates held upon charitable Trusts under the Will of Sir *John Cass* Knight, deceased, to make Sale of Part of the said Estates. *Ibid.*

12. An Act to enable the Governors of the Hospital of King *James* founded in *Charterhouse* to endow the Perpetual Curacy of *Hartland* in the County of *Devon* with a fixed Provision out of the Tithes of the Rectory of *Hartland* aforesaid, in substitution of their present Obligation, and to sell the Right of Presentation to the said Curacy, and the said Rectory and Tithes, and also certain Lands at *Hartland* aforesaid, and to invest the Monies arising from such Sales in the Purchase of other Lands, for the Benefit of the said Hospital. *Ibid.*

13. An Act for inclosing Lands in the Parishes of *Britwell Salome* and *Britwell Prior* in the County of *Oxford*. *Page* 580

14. An Act for inclosing Lands in the Parish of *Kilmington* in the County of *Devon*. 581

15. An Act for carrying into effect a Partition of and other Arrangements respecting Estates in the County of *Southampton* of Sir *Frederick Hutchison Hervey Bathurst* Baronet and *Louisa Mary* his late Wife, and of the Honourable *Charlotte Georgina Harriet Craven* Widow. *Ibid.*

16. An Act to alter and amend Two Acts of the Eleventh of King *George* the Fourth, and Seventh of His late Majesty, in regard to the Estates of *Argyll*; and to enable *John Douglas Edward Henry*, the present Duke of *Argyll*, to borrow a further Sum of Money, and to make the same a Charge on the said Estates; and for other Purposes. *Ibid.*

17. An Act for vesting certain Estates appointed and devised by the Will of *George Manners* Esquire, deceased, and purchased under the Trusts thereof, in Trustees to sell the same, and to invest the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*

18. An Act for empowering the Trustees of *Brewood* Grammar School in the County of *Stafford* to make Sales and to grant Mining Leases of certain Parts of the Estates belonging to the said School, and for other Purposes therein mentioned. *Ibid.*

19. An Act for enabling the Dean and Chapter of the Cathedral and Metropolitical Church of *Saint Peter* of *York* to raise Money for the Discharge of Debts, and for effecting the Restoration and Repair of the said Cathedral Church. *Ibid.*

20. An Act for selling the Entailed Estate of *Monkwood* in the County of *Ayr*, belonging to *William Paterson* Esquire, and investing the Price in the Purchase of other Lands, to be entailed in lieu thereof. *Ibid.*

21. An Act to enable *Duncan Davidson* Esquire of *Tulloch* to execute a new Entail of his Lands and Estates of *Tulloch*, for the Purpose of rectifying a Mistake in a former Entail thereof; and for vesting Parts of these Lands and Estates in Trustees, for relieving the said *Duncan Davidson* of Sums laid out in improving the same; and for certain other Uses and Purposes. *Ibid.*

22. An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to grant Mining, Building, and other Leases of the Trust Estates in the County of *Durham* devised by the Will of the Duke of *Cleveland*, and to sell or exchange Parts of the same Estates. *Ibid.*

23. An Act for granting further Power to lease Parts of the Estates devised by the Will of *Richard* late Viscount *Fitzwilliam* deceased, situate in the City of *Dublin* and the Neighbourhood thereof, and for authorizing the Sale of certain Fee Farm and other Rents, also devised by that Will. *Page* 581

24. An Act for authorizing the raising, by Mortgage of the Estates devised by the Will of the Right Honourable *William* late Earl of *Devon*, a limited Sum of Money, to be applied, under the Direction of the High Court of Chancery, in repaying to the present Earl and Lord *Courtenay* the whole or a Portion of the Monies already expended by them for the Repair and Restoration of the Castle of *Powderham* and the Buildings belonging thereto, and towards completing such Repair and Restoration; and for making Provision for Payment of the Interest of the Money so to be raised, and also for the Liquidation of the Principal; also for extending the Power to grant Building Leases contained in the Will of the said late Earl. *Ibid.*

25. An Act for discharging the Borough, Hundred, and Manor of *Cheltenham* in the County of *Gloucester*, and other Estates in the same County, from the Portions of the younger Children of the Right Honourable *John* Lord *Sherborne*, and the younger Children of the Honourable *James Henry Legge Dutton*, and from the Terms created for raising the same. 582

26. An Act for effecting a Partition, Division, or Allotment of Estates in the Counties of *York*, *Suffolk*, and *Essex*, devised by the Will of *Atkinson Francis Gibson*, late of *Saffron Walden* in the County of *Essex*, Brewer, deceased. *Ibid.*

27. An Act for carrying into effect certain Provisions contained in the Will of *Thomas Swinnerton* Esquire, deceased, relative to the building of a Mansion House on the Testator's Estate at *Butterton* in the County of *Stafford*, and building a Church or Chapel on the said Estate; and for other Purposes. *Ibid.*

28. An Act for authorizing the Sale of Portions of the Real Estate devised by the Will of *Jane* Countess Dowager of *Rosse* deceased, and for the Purchase of other Estates, to be settled to the Uses of the said Will; and for the authorizing the granting of Farming and Building Leases of the same Estates. *Ibid.*

29. An Act for better enabling the Trustees of the Will of the late *Charles Calland* Esquire to grant Building and Farming and Mining and other Leases of certain Estates situate in the County of *Glamorgan*, devised by the said Will, and to sell certain Portions of the same Estates, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses; and for other Purposes. *Ibid.*

30. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to raise Money for rebuilding *Bridgewater House*, and for repairing and improving the *Bridgewater* Canal; and for other Purposes. *Ibid.*

31. An Act to extend a Power of Leasing contained in the Marriage Settlement of *Charles* Lord *Southampton* and *Harriet* Lady *Southampton* his Wife. *Ibid.*

32. An Act for vesting Parts of the Settled Estates of the Honourable *Edward Mostyn Lloyd Mostyn* of *Mostyn* in the County of *Flint* in Trustees, upon Trust to sell, mortgage, or exchange the same, and to lay out the Monies to arise therefrom in the Payment of Debts, Charges, and Mortgages upon or affecting the same, or other Estates settled to the same Uses, or in the Purchase of other Estates, to be settled to the same Uses; and for other Purposes. *Page* 582

33. An Act to enable *George* Marquis of *Tweeddale* to borrow a certain Sum of Money upon the Security of his Entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. *Ibid.*

34. An Act for confirming certain Conveyances in Perpetuity made by the Ecclesiastical Commissioners for *Ireland* and the present Bishop of *Derry* and *Raphoe* of Parts of the Mensal Lands of the See of *Derry*, and for confirming certain Leases made by the same Bishop and his immediate Predecessor in the See of *Derry* of other Parts of the Mensal Lands of the same See; also for enabling the Bishop of *Derry* and *Raphoe* for the Time being to grant Leases of the Parts last mentioned, and certain other Parts of the Mensal Lands of the See of *Derry*; and for other Purposes. *Ibid.*

35. An Act to extend the Provisions of Two Acts, of the Second Year of King *William* the Fourth and the First Year of Her present Majesty, relating to the Free Grammar School of King *Edward* the Sixth in *Birmingham* in the County of *Warwick*. *Ibid.*

36. An Act to enable *William Stuart Stirling Crawfurd* Esquire, the Heir in possession of the Entailed Estate of *Milton* in the County of *Lanark*, and his Successors, to grant Feu Rights thereof. *Ibid.*

37. An Act for enabling the Most Noble *Richard Plantagenet Grenville Nugent Chandos Temple* Duke of *Buckingham* and *Chandos* to grant Underleases of Lands situate in or near the Town of *Ryde* in the *Isle of Wight*, and to authorize the granting of Leases of other Lands situate in or near the same Place, belonging to *Elizabeth Lydia Lind* and others. 583

38. An Act to enable the Right Honourable *William Lewis* Lord *Dinorben*, by Mortgage of certain Hereditaments devised to him for Life with Remainders over by the Will and Codicils of the Reverend *Edward Hughes*, to raise not exceeding Twenty thousand Pounds at Interest, for rebuilding the Mansion and Offices at *Kinmel Park*, devised by the said Will and Codicils to the same Uses; and for other Purposes. *Ibid.*

39. An Act to amend and explain the Act passed in the Seventh and Eighth Years of His late Majesty *George* the Fourth, Chapter 11, intituled *An Act to explain and modify the Trust Settlement of the late* Louis Cauvin, *for the Endowment and Maintenance of an Hospital for the Support and Education of Boys*; and further to explain and modify the said Trust Settlement. *Ibid.*

40. An Act for enabling the Trustees for the Time being of *Hele*'s Charity Estates to grant Leases for absolute Terms, not exceeding Twenty-one Years, of certain Estates vested in them as such Trustees, and situate in the Parishes of *Clist Saint Lawrence*, *Broadclyst*, *Stoke-inteignhead*, *Bovey Tracey*, and *Newton Ferrers*, in the County of *Devon*; and for confirming certain Leases of Parts of such Estates already granted, and for fixing the Proportions in which the Rents reserved and to be reserved by such Leases, and such other Profits of the said Estates as have accrued and shall accrue after the granting of such Leases thereof respectively, shall be divided and enjoyed; and for other Purposes. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

41. AN Act to dissolve the Marriage of *Henry Reveley Mitford* Esquire with the Right Honourable Lady *Georgina Jemima Mitford* his now Wife, and to enable him to marry again; and for other Purposes.
42. An Act for naturalizing the Reverend *Henry George Bunsen.*
43. An Act for naturalizing *Bernhard Willhelm Edouard Liebert.*
44. An Act for inclosing Lands in the Manor of *Castlerigg* and *Derwentwater* in the Parish of *Crosthwaite* in the County of *Cumberland.*
[*Allotments to be made for Watering Places and for Materials for Roads,* § 43.; *and for Recreation of the Inhabitants,* § 44.; *and to Lords of the Manor for Right of Soil,* § 45.]
45. An Act to dissolve the Marriage of *John* otherwise *Jean Louis Mieville* with *Mary Ann* his now Wife and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for naturalizing *Charles Jacques Marion Fierville.*
47. An Act for naturalizing *Frederick William Benecke.*
48. An Act to dissolve the Marriage of *John Baskervyle Glegg* Esquire the younger with *Elizabeth Glegg* his now Wife, and to enable him to marry again; and for other Purposes.
49. An Act for naturalizing *Joshua Bates.*
50. An Act for naturalizing *Samuel Stillman Gair.*
51. An Act to dissolve the Marriage of *William Ashton* Esquire with *Anne Jane* otherwise *Jane Anne* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
52. An Act for naturalizing *Pierre Lambert Flavian Rouma* and others.
53. An Act for naturalizing *Jean Baptiste Lesbazeilles* and others.
54. An Act to dissolve the Marriage of *John Hawkes* with *Fanny* his now Wife, and to enable him to marry again; and for other Purposes.
55. An Act to dissolve the Marriage of *Joseph Vere* with *Ellen Sarah* his now Wife, and to enable him to marry again; and for other Purposes.
56. An Act to dissolve the Marriage of *George William Henry Coward* with *Anne Coward* his now Wife, and to enable him to marry again; and for other Purposes.
57. An Act for naturalizing *Pierre Frederic Eugéne Verconsin.*
58. An Act to dissolve the Marriage of *Henry Street* with *Eliza Street* his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.
59. An Act to dissolve the Marriage of *Thomas Sewell* Esquire with *Margaret Susannah* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Quinto & Sexto.

'AT the Parliament begun and holden at *Westminster*, the Nineteenth Day of *August*, *Anno Domini* 1841, in the Fifth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: And from thence continued, by several Prorogations, to the Third Day of *February* 1842; being the Second Session of the Fourteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act better to provide for the Application to the Service of the Year One thousand eight hundred and forty-one of the Sums granted in the Two last Sessions of Parliament.

[15th *February* 1842.]

'WHEREAS certain Acts passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-one; An Act for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one; An Act for granting to Her Majesty, until the Fifth Day of* July *One thousand eight hundred and forty-two, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-one;* and *An Act to apply certain Sums of Money to the Service of the Year One thousand eight hundred and forty-one, and to appropriate the Supplies granted in this Session of Parliament*, respectively: And whereas certain other Acts passed in the Session of Parliament holden in the Fifth Year of the Reign of Her said Majesty, intituled *An Act for funding Exchequer Bills, and for making Provision for the Service of the Year One thousand eight hundred and forty-one*, and *An Act for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one, and for appropriating the Supplies granted in this Session of Parliament*, respectively: And whereas the said several Acts were passed in the Year One thousand eight hundred and forty-one, and the whole of the Sums thereby granted were for the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-two; but by the said recited Acts the Issue and Application of the Sums granted to Her Majesty in each of the said Sessions respectively was restricted to the Services voted in each such Session: And whereas it is for the Interest of the Public Service that that Restriction should be removed, and that the several Sums granted to Her Majesty by or under the said recited Acts, or any of them, should be issued or applied generally to the Services of the Year ending the Thirty-first Day of *March* One thousand eight hundred and forty-two:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the herein-before recited Acts or any of them as limits or restricts the Issue or Application of the several Sums granted to Her Majesty to the Services voted in the respective Sessions of Parliament in which such Sums were granted shall be and the same is hereby repealed; and that the Sums granted by the said recited Acts or any of them shall and may be issued or applied generally to any Use, Intent, or Purpose mentioned in, or to defray any Payment directed to be satisfied by, any herein-before recited Act or Acts of either of the Two last Sessions of Parliament; any thing in any of the said recited Acts to the contrary notwithstanding.

4 & 5 Vict. c. 4. 4 & 5 Vict. c. 19. 4 & 5 Vict. c. 29. 4 & 5 Vict. c. 53. 5 Vict. c. 8. 5 Vict. c. 11.

Recited Acts in part repealed.

Sums may be applied generally to the Service of the Year.

CAP. II.

An Act to enable His Royal Highness *Albert Edward* Prince of *Wales* to make Leases and Grants of Land and Hereditaments, Parcel of His said Royal Highness' Duchy of *Cornwall*, or annexed to the same; and for the other Purposes therein mentioned. [15th *March* 1842.]

'WHEREAS His Royal Highness *Albert Edward* Prince of *Wales* now stands seised of the Duchy of *Cornwall* and the Possessions thereof of an Estate of Inheritance under a special Form of Limitation differing from the ordinary Rules of Inheritance at Common Law, whereupon Doubts have arisen whether Leases and Grants made by His said Royal Highness of any of the Possessions of His said Duchy will be good and effectual in Law longer than for the Life of His said Royal Highness: For avoiding of which Doubts, and for the Ease and Quiet of the Minds of such Persons as have taken or shall hereafter take Leases or Grants from His said Royal Highness, and to the end that such Persons may be sure to have good and indefeasible Estates, and be encouraged to lay out Monies in building and repairing or otherwise improving the several Lands and Tenements to them demised or granted, or to be demised or granted, and to take Sets or Leases of the Mines and Minerals Parcel of the said Possessions,' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Leases or Grants made or to be made by His said Royal Highness, by Letters Patent or Indentures under the Great or Privy Seal of His said Royal Highness, or by Copy of Court Roll, of any Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, shall be good and effectual in Law, according to the Purport and Contents of the said Leases or Grants, against Her Majesty, Her Heirs and Successors, and against the Heirs and Successors of His Royal Highness, Dukes of *Cornwall*, and against all and every Person or Persons who shall or may inherit or succeed to the said Duchy, according to the said Limitation or otherwise.

All Leases, &c. granted by His Royal Highness the Prince of Wales declared valid.

II. Provided always, and be it enacted, That every such Lease or Grant so made or to be made of any such Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, in Possession, shall be and shall be made for Three Lives or fewer, or for Thirty-one Years or under, or for some Term of Years determinable upon One, Two, or Three Lives, and not above; and if such Lease or Grant be made in Reversion or Expectancy, that then the same, together with the Estates in Possession, do not exceed Three Lives, or the Term of Thirty-one Years, and be not in anywise dispunishable of Waste; and so as upon every such Lease or Grant there be or shall be reserved the ancient or most usual Rent or more, or such Rent as hath been reserved, yielded, or paid for such of the Premises as are or shall be contained therein for the greater Part of Twenty Years next before the making of the said Lease or Grant, such Rent to be reserved, due, and payable to such as have the Inheritance or other Estate of and in the said Duchy; and where no such Rent hath been reserved or payable, that then upon every such Lease or Grant there be or shall be reserved a reasonable Rent, not being under the Twentieth Part of the clear yearly Value of the Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments contained in such Lease or Grant; and where the Subject Matter of such Lease or Grant shall be Mines, Minerals, or Tolls, Dues, or Royalties in respect of Mines or Minerals, that then upon every such Lease or Grant there be or shall be reserved a reasonable Rent, Payment, Toll, Due, Dole, or Dish, without taking or requiring any Fine or Fines whatsoever.

Conditions and Duration of Leases.

III. 'And whereas certain Parts of the Possessions of the said Duchy are capable of Improvement by the Erection of substantial Buildings thereon, and by the Cultivation of Waste Lands, which cannot be undertaken by the Lessees unless they are secured by a longer Interest in the Premises than Thirty-one Years, or a Term of Years determinable upon Three Lives;' be it enacted, That it shall and may be lawful for His said Royal Highness, and His said Royal Highness is hereby empowered, to make Leases and Grants, by Letters Patent or Indentures under the Great or Privy Seal of His said Royal Highness, of any Lands, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy, or annexed to the same, for any Term of Years not exceeding the Term of Ninety-nine Years, expressly for the Purpose of improving the same by erecting substantial Buildings thereon, or for the Purpose of improving Waste Lands by Cultivation or otherwise: Provided always, that upon all such last-mentioned Leases or Grants so to be made improved annual Ground Rents to be reserved and made payable as aforesaid during the Terms therein limited, and no Fines or other Considerations be taken by His said Royal Highness further or other than the improved annual Ground Rents hereby directed to be reserved as aforesaid.

Leases for Buildings, Cultivation of Wastes, or working Minerals.

IV. And be it enacted, That all Covenants, Conditions, Reservations, and Agreements contained in every such Lease or Grant made or to be made as aforesaid shall be good and effectual in Law, according to the Words and Contents of the same, as well for and against them to whom the Reversion of the said Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments shall come, as for and against them to whom the Interest of such Leases or Grants shall come, respectively, as if His said Royal Highness, at the Time of making such Covenants, Conditions, Reservations, and Agreements, had been or were seised of an absolute Estate in Fee Simple in the same Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments.

Covenants in Leases as effectual as if His Royal Highness was possessed of an absolute Estate.

V. Saving always to all and every Person and Persons, Bodies Politic and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns, other than His said Royal Highness, His Heirs and Successors, Dukes of *Cornwall*, and other than Her Majesty, Her Heirs and Successors, and all and every Person and Persons, and the Lessees of such Person and Persons, that shall hereafter inherit and enjoy

Saving of Rights.

enjoy the said Duchy of *Cornwall*, by force of any Act of Parliament or other Limitation whatsoever, all such Rights, Titles, Estates, Customs, Interests, Tenures, Terms, Claims, and Demands whatsoever, of what Nature, Kind, or Quality soever, of, in, to, or out of the said Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, or any of them, Parcel of or annexed to the said Duchy of *Cornwall*, as they or any of them had or ought to have had before the making of this Act, to all Intents and Purposes, and in as large and ample Manner and Form, as if this Act had never been made, this Act or any thing herein contained to the contrary notwithstanding.

Her Majesty during the Minority of His Royal Highness to exercise the Rights and Powers of His Royal Highness.

VI. 'And whereas Doubts may exist respecting the Extent of the Power and Authority of Her most 'Excellent Majesty as Guardian of His said Royal Highness during the Minority of His said Royal 'Highness, and it is expedient that such Doubts should be removed;' be it therefore declared and enacted, That it shall be lawful for Her Majesty, during such Minority, to exercise, in the Name and on the Behalf of His said Royal Highness, all the Rights, Powers, Privileges, and Authorities which appertain to or might be exercised by His Royal Highness in respect of His said Duchy of *Cornwall* if of full Age; and that all Acts, Matters, and Things done or to be done during such Minority, in the Name and on the Behalf of His said Royal Highness, by Her Majesty, as such Guardian, or by any other Persons acting under the Authority of Her Majesty, in pursuance of and in conformity with the Powers and Authorities to them in that Behalf committed by Her Majesty, shall be good, valid, and effectual in Law as if the same had been and were done, and the same shall to all Intents and Purposes be deemed and taken to have been and to be done, by His said Royal Highness Himself, in His own proper Person, and at His full and perfect Age: Provided always, that all Leases and Grants of any of the Possessions of the said Duchy to be made during the Minority of His said Royal Highness shall be subject to the Provisions of this Act: And provided also, that all Offices, Appointments, and Employments belonging to His said Royal Highness in Right of His said Duchy, given or bestowed during such Minority, which may by Law be given or bestowed during Pleasure, shall be determinable by His said Royal Highness at any Time after he shall attain the Age of Twenty-one Years.

CAP. III.

An Act to confirm an Act of the Legislature of *Van Diemen's Land* for authorizing the Levy of certain Duties of Customs and on Spirits. [15th *March* 1842.]

'WHEREAS, in pursuance of the Powers and Authorities vested in the Lieutenant Governor of *Van* '*Diemen's Land* by an Act passed in the Fifty-ninth Year of the Reign of King *George* the 59 G. 3. c. 114.
'Third, for authorizing the Levy of Duties in *New South Wales*, and by another Act passed in the 3 G. 4. c. 96.
'Third Year of the Reign of King *George* the Fourth, for continuing and amending the Provisions of
'that Act, a Proclamation was made and issued by his Excellency Colonel *George Arthur*, Lieutenant Proclamation
'Governor of the Island of *Van Diemen's Land* and its Dependencies, bearing Date the Fourth Day of of 4th February
'*February* in the Year One thousand eight hundred and twenty-nine, for the imposing and levying of 1829.
'certain Rates and Duties of Customs, and a certain Rate or Duty on Spirits distilled within the Colony:
'And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth the Two 9 G. 4. c. 83.
'first-mentioned Acts were made perpetual, but it was by the last-mentioned Act provided that the ss. 26, 27.
'Powers and Authorities by those Acts created should thenceforth be vested in and exercised by the
'Persons administering the Government of *New South Wales* and *Van Diemen's Land* respectively, with
'the Advice and Consent of their respective Legislative Councils: And whereas the said Lieutenant
'Governor, being the Person then administering the Government of *Van Diemen's Land*, did, by an Act
'passed, with the Advice of the Legislative Council of *Van Diemen's Land*, on the Second Day of
'*January* in the Year One thousand eight hundred and thirty-four, intituled *An Act to confirm and* Colonial Act,
'*continue certain Duties of Customs and Duties on Spirits*, declare that the said Proclamation of the 2d Jan. 1834.
'Fourth Day of *February* One thousand eight hundred and twenty-nine, and every Provision therein
'contained, should be confirmed and established: And whereas Doubts have been entertained whether
'such Confirmation was of Force to make good in Law the said Proclamation, and the levying of the
'Duties thereby ordered to be levied, before the passing of the said Act of the Colonial Legislature:
'And whereas it is expedient to remove such Doubts:' Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Proclamation, and every Provision therein contained, shall be holden good in Law, and taken to be of the same Force as if the same had been made on the Fourth Day of *February* in the Year One thousand eight hundred and twenty-nine, by the said Lieutenant Governor, with the Advice of the Legislative Council of *Van Diemen's Land*.

Proclamation confirmed.

Indemnity for levying Rates or Duties under the Proclamation.

II. And be it enacted, That no personal Action or Suit, Indictment, Information, Prosecution, or Proceeding whatsoever, shall be prosecuted or commenced against any Governor or Lieutenant Governor of *Van Diemen's Land*, or against any Person or Persons, for having advised, commanded, or carried into execution any Orders for the Levy of any Rate or Duty in the said Colony ordered by the said Proclamation previous to the Second Day of *January* in the Year One thousand eight hundred and thirty-four; and that if any Action or Suit, Indictment, Information, or any other Proceeding, shall be prosecuted or commenced against any Person or Persons, by reason of any thing so advised, commanded, appointed, or done, it shall be lawful for the Defendant in any such Action, Suit, Indictment, or Information as aforesaid to apply to the Court in which such Action shall be brought, during the Sitting of such Court, or to

any Judge of such Court during Vacation, for Stay of Proceedings, and such Court and such Judge respectively shall stay such Proceedings accordingly.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. IV.

An Act to provide for the Increase of the Number of Bishoprics and Archdeaconries in the *West Indies*, and to amend the several Acts relating thereto. [23d *March* 1842.]

6 G. 4. c. 88.

'WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the Salaries of certain Bishops, and other Ecclesiastical Dignitaries and Ministers, in the Diocese of* Jamaica, *and in the Diocese of* Barbadoes *and the* Leeward Islands; *and to enable His Majesty to grant Annuities to such Bishops upon the Resignation of their Offices*, whereby it was amongst other Things enacted, that the Persons who should from Time to Time exercise and enjoy the several Dignities and Offices therein-after mentioned, under or by virtue of His said late Majesty's Letters Patent or Authority, should receive the several Salaries or annual Sums therein-after respectively specified and set forth; that is to say, the Bishop of the Diocese of *Jamaica* and the Bishop of the Diocese of *Barbadoes* and the *Leeward Islands* in the *West Indies*, the Salary or annual Sum of Four thousand Pounds each of lawful Money of the United Kingdom of *Great Britain* and *Ireland*; the Archdeacon of the Island of *Jamaica*, and the Archdeacon of the Island of *Barbadoes*, and the Archdeacon of the Island of *Antigua*, the Salary or annual Sum of Two thousand Pounds each of the like lawful Money; the Seven Ministers of the Gospel in the Diocese of *Jamaica*, and the Thirteen Ministers of the Gospel in the Diocese of *Barbadoes* and the *Leeward Islands*, the Salary or annual Sum of Three hundred Pounds of the like lawful Money; the Three Catechists in the said Diocese of *Barbadoes* and the *Leeward Islands*, the Salary or annual Sum of One hundred Pounds each of the like lawful Money; and that all the said several Salaries and annual Sums should be paid and payable free and clear from all Taxes and Deductions whatsoever; and it was by the said recited Act further enacted, that it should and might be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom for the Time being, or any Three or more of them, and they were thereby authorized and required, from Time to Time, by Warrant or Warrants under their Hands, to direct the proper Officer of the Exchequer to issue and pay, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to such Person or Persons as might be appointed to receive the same, all and every such Sum and Sums of Money as might from Time to Time be necessary for the Payment of all or any of the several Salaries or annual Sums made payable by the said recited Act, which might have accrued respectively at any Time before the passing of the said recited Act, or which might from Time to Time accrue and become due and payable at any Time after the passing of the said recited Act: And whereas another Act was passed in the Seventh Year of the Reign of His said late Majesty to amend the said recited Act, by which Act of the Seventh Year of His said late Majesty's Reign so much of the said first-recited Act as enacted that there should be Seven Ministers in the Diocese of *Jamaica*, and Thirteen Ministers and Three Catechists in the Diocese of *Barbadoes*, with certain Salaries therein specified, was repealed; and it was further enacted, that it should and might be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom for the Time being, or any Three or more of them, and they were thereby authorized and required, from Time to Time, by Warrant or Warrants under their Hands, to direct the proper Officer of the Exchequer to issue and pay, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to such Person or Persons as might be appointed to receive the same, any Sum or Sums of Money not exceeding the Sum of Six thousand three hundred Pounds *per Annum*, to commence and be computed from the Fifth Day of *April* One thousand eight hundred and twenty-four, for the Salaries of Ministers, Catechists, and Schoolmasters in the Dioceses of *Jamaica* and *Barbadoes* and the *Leeward Islands*, and to be distributed among such Ministers, Catechists, and Schoolmasters, in Salaries or otherwise, as the Bishops of the respective Dioceses, with the Approbation of the Commissioners of the Treasury, or of His Majesty's Secretary of State, should appoint, and so that the Sum to be paid to the Ministers, Catechists, and Schoolmasters in pursuance of the said recited Acts should not exceed Two thousand one hundred Pounds *per Annum* for the Diocese of *Jamaica*, and Four thousand two hundred Pounds *per Annum* for the Diocese of *Barbadoes* and the *Leeward Islands*, and that no Minister should have a Salary exceeding Three hundred Pounds *per Annum*, as authorized by the said first-recited Act: And whereas it may be expedient that the several Colonies and Territories comprised within the said Dioceses of *Jamaica* and *Barbadoes* should be divided into a greater Number of Dioceses and Archdeaconries than are mentioned in the said recited Acts, and that the annual Payments so charged as aforesaid on the growing Produce of the Consolidated Fund should be apportioned to the Maintenance of the Bishops and Archdeacons of such new Dioceses and Archdeaconries, and of the Ministers, Catechists, and Schoolmasters within the same:'

Her Majesty empowered, by Letters Patent, to erect Three Dioceses within

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to establish within the Territorial Limits of the existing Dioceses of *Jamaica* and *Barbadoes* Three or more Dioceses, with such and so many Archdeaconries within

within each Diocese, as to Her Majesty shall seem meet, and for that Purpose to revoke the Letters Patent under the Great Seal aforesaid under which the existing Dioceses of *Barbadoes* and *Jamaica*, and the existing Archdeaconries within the same respectively, have been established: Provided always, that no such Letters Patent, if issued during the Life and Incumbency of any such Bishop, shall take effect or be of any Force or Authority within his Diocese, unless he shall first, by a notarial Act under his Hand and the public Seal of his Diocese, to be deposited in the Registry thereof, have declared his Consent to the Operation, during his own Incumbency, within his Diocese, of any such Letters Patent.

the Territorial Limits of the Dioceses of Jamaica and Barbadoes, and to revoke the existing Letters Patent.

II. And be it enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, from Time to Time to make any such new Apportionment and Appropriation as to Her Majesty shall seem fit, among such new Bishops and Archdeacons, of the Sums of Money which by virtue of the said recited Acts are payable out of the growing Produce of the Consolidated Fund as the Salaries of the Bishops and Archdeacons therein mentioned; and that it shall be lawful for Her Majesty, in manner aforesaid, to apportion and appropriate so much of the total Amount of such Sums of Money as to Her Majesty shall seem fit for the Maintenance of such new Bishops as aforesaid, and so much thereof as to Her Majesty shall seem fit to the Maintenance of such new Archdeacons as aforesaid, without reference to, and without the Observance of, the Proportions in which the said Sums of Money are by the said recited Acts apportioned for the Maintenance of Bishops and Archdeacons respectively: Provided that nothing herein contained shall authorize any Diminution, during the Life and Incumbency of any Bishop or Archdeacon, of any Salary to which he is or shall be by Law entitled.

Her Majesty empowered to direct Apportionment of the Sums of Money granted for Salaries of the Bishops and Archdeacons of the said Dioceses.

III. And be it enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, from Time to Time to assign to the respective Bishops of such future Dioceses as aforesaid the Power of distributing among the Ministers, Catechists, and Schoolmasters of their respective Dioceses, with the Approbation of the Commissioners of Her Majesty's Treasury, or of One of Her Majesty's Principal Secretaries of State, the Sum of Six thousand three hundred Pounds *per Annum* in the said recited Act mentioned, in such Proportion as Her Majesty shall see fit to apportion that Sum between the said future Dioceses: Provided always, that nothing herein contained shall authorize any Diminution, during the Life and Incumbency of any Minister, Catechist, or Schoolmaster, of any Salary to which he is or shall be by Law entitled.

Bishops of Dioceses to apportion Salaries of Ministers, Catechists, and Schoolmasters.

IV. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized and required, from Time to Time, by Warrant or Warrants under their Hands, to direct the proper Officer of the Exchequer to issue and pay, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to such Person or Persons as may be appointed to receive the same, the several annual Salaries or Sums of Money before mentioned, according to such new Apportionment and Appropriation thereof as, in pursuance of this present Act, shall from Time to Time be made by Her Majesty by any such Letters Patent as aforesaid.

Commissioners of the Treasury to direct Issue of the Money necessary for Salaries of Bishops, &c.

V. 'And whereas by the said first-recited Act His said late Majesty, His Heirs and Successors, were 'authorized to give and grant to any Person who should execute the Office of Bishop of either of the 'Dioceses therein mentioned, and who should resign the same respectively, certain Annuities or Pensions; 'and it is expedient that, subject to the Exception herein-after contained, the said Provision should be 'repealed;' be it therefore enacted, That so much of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth as empowered His said late Majesty, His Heirs and Successors, to grant Annuities or Pensions on the Resignation of the Dioceses therein mentioned shall be and the same is hereby repealed, save and except only so far as respects the respective Bishops of the said Dioceses of *Jamaica* and *Barbadoes* who had been appointed to the same respectively before the making of this present Act.

Repeal of Provision in recited Act as to Pensions of Bishops.

Exception.

VI. And be it enacted, That this Act may be repealed or amended during this present Session of Parliament.

Amendment of Act.

CAP. V.

An Act to continue to the First Day of *August* One thousand eight hundred and forty-three the Act to amend the Laws relating to Loan Societies. [23d *March* 1842.]

3&4 Vict. c. 110.

CAP. VI.

An Act to amend an Act of Her present Majesty for vacating any Presentment for rebuilding the Gaol of *Newgate* in *Dublin*, and any Contract between the Commissioners for rebuilding the said Gaol and the Contractor. [23d *March* 1842.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years 'of the Reign of Her present Majesty, intituled *An Act for vacating any Presentment for rebuilding* 'the Gaol of Newgate in Dublin, *and vacating any Contract between the Commissioners for rebuilding the* 'said Gaol and the Contractor, whereby, among other things, Provision was made for ascertaining by 'Arbitration the Compensation to be made to the Contractor for rebuilding the Gaol of *Newgate* in the 'City of *Dublin*, for any Losses sustained by him by reason of such Contract not being carried into 'effect: And whereas the Sum of One thousand seven hundred Pounds was accordingly awarded to 'John North, the Contractor for rebuilding the said Gaol, in full for his Damages, Expences, and Costs 'in relation to the said Contract: And whereas, in pursuance of the Presentment previously made for

3 & 4 Vict. c. 53.

'rebuilding

'rebuilding the said Gaol, a Sum of One thousand five hundred and thirty Pounds was raised off the 'County of the City of *Dublin*, and paid to the Collector of Excise of the *Dublin* District, pursuant to 'the Provisions of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the 7 G. 4. c. 74. 'Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland; and 'the Commissioners of Her Majesty's Treasury, by virtue of the said last-mentioned Act, had advanced 'to the Commissioners for rebuilding the said Gaol the Sum of Five hundred Pounds, which was expended 'by them in the Preparation of the necessary Plans and Specifications for the then intended Building: 'And whereas, after the Repayment of the said Sum of Five hundred Pounds so advanced by the Com-'missioners of Her Majesty's Treasury, there remained in the Hands of the said Collector of Excise only 'a Sum of One thousand and thirty Pounds applicable to the Payment of the said Sum of One thousand 'seven hundred Pounds so awarded to the said *John North*; and the said Sum of One thousand and 'thirty Pounds has been paid, pursuant to the Provisions of the herein-before first-recited Act, to *Anne* '*North*, Administratrix of the said *John North*, who is lately deceased, but there is still due to the said '*Anne North*, as such Administratrix, the Sum of Six hundred and seventy Pounds on Foot of the said 'Award: And whereas the Provisions made by the said first-recited Act for the Payment of any Sum 'which might be awarded to the said Contractor, exceeding the Amount of the Instalments then paid to 'the Collector of Excise for the said *Dublin* District for and on account of the said Presentment, are not 'effective for that Purpose, and no Provision was thereby made for defraying the Costs and Expences 'attendant upon the said Arbitration; and it is necessary to make Provision for both such Purposes, and 'to amend the said first-recited Act accordingly:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Sum of Six hundred and seventy Pounds so remaining due to the said *Anne North*, as Administratrix of the said *John North*, on Foot of the said Award, as also the Costs and Expences of the said Arbitration, together with the Expences of Witnesses, and all other Costs and Expences attendant upon the said Arbitration and Award, or which may have been incurred in the Settlement of the Matter aforesaid, shall be raised by Present-ment by the Grand Jury of the County of the City of *Dublin* at the next or any subsequent Presenting Term, on the Certificate of the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, specifying the Sum or Sums to be so raised, in like Manner as Grand Jury Presentments are now by Law raised on or off the said County; and that the said Sum of Six hundred and seventy Pounds shall, when so raised, be paid to the said *Anne North*, or the Person who shall then be the personal Representative of the said *John North*, and that the Sum or Sums due on account of the said Costs and Expences shall, when so raised, be paid to the Person or Persons who shall in and by such Certificate be declared entitled thereto.

The Balance due to the Widow of the Contractor on Foot of the Award, as also the Expences of the Arbitration, shall be raised by Grand Jury Presentment off the County of the City of Dublin.

II. Provided always, and be it enacted, That the said Costs and Expences shall be taxed and ascer-tained, and the Amount thereof, and the Person or Persons to whom the same may be due respectively, certified by the Senior Master of the High Court of Chancery in *Ireland* to the said Chief or Under Secretary, who shall insert the same accordingly in the Certificate to be laid before the said Grand Jury as aforesaid.

Costs and Expences to be first taxed.

III. And be it enacted, That in case the said Grand Jury of the County of the City of *Dublin*, at any such Presenting Term as aforesaid, shall, on the Production of the said Certificate of the said Chief or Under Secretary, neglect or refuse duly to present the Sum or Sums therein mentioned and contained, the Court shall, at the same Presenting Term, make an Order directing the Sum or Sums mentioned and contained in such Certificate to be raised, applotted, levied, and applied as if the same had been so pre-sented; and such Order shall have the Force and Effect of a Presentment; and the Treasurer of the said County of the City of *Dublin* shall insert the Sum or Sums mentioned in such Order in his Warrant, and the same shall be applotted, raised, levied, and applied in like Manner, to all Intents and Purposes, as if the same had been duly presented by such Grand Jury.

In default of Grand Jury presenting the Court shall make an Order of the same Effect.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. VII.

An Act to explain the Acts for the better Regulation of certain Apprentices. [23d *March* 1842.]

'WHEREAS by an Act passed in the Twentieth Year of the Reign of King *George* the Second, 20 G. 2. c. 19. 'intituled *An Act for the better adjusting and the more easy Recovery of the Wages of certain* '*Servants, and for the better Regulation of such Servants, and of certain Apprentices*, certain Powers were 'given to Justices of the Peace in the Matter of Complaints or Applications against their Master or 'Mistress by Apprentices put out by the Parish, or any other Apprentice upon whose binding out no 'larger a Sum than Five Pounds of lawful *British* Money was paid, and also in the Matter of Applications 'or Complaints upon Oath by any Master or Mistress against any such Apprentice: And whereas by 33 G. 3. c. 55. 'another Act passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act* '*to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace and Parish* '*Officers, for Neglect of Duty, and on Masters of Apprentices for Ill-usage of such their Apprentices; and* '*also to make Provision for the Execution of Warrants of Distress granted by Magistrates*, certain other 'Powers were given to Justices of the Peace, upon Complaint made to them by or on behalf of any 'Apprentice to any Trade or Business whatsoever, whether bound Apprentice by any Parish or Township, 'or otherwise, provided that not more than the Sum of Ten Pounds was paid upon the binding of such

'Apprentice;

'Apprentice; all which Powers, by an Act passed in the Fourth Year of the Reign of King *George* the 'Fourth, intituled *An Act to increase the Power of Magistrates in Cases of Apprenticeships*, were afterwards 4 G. 4. c. 29.
'extended to Cases of the like Complaints or Applications where no larger a Sum than Twenty-five 'Pounds was paid: And whereas by an Act passed in the Thirty-second Year of the Reign of King *George* 'the Third, intituled *An Act for the further Regulation of Parish Apprentices*, certain Enactments were 'made concerning Parish Apprentices, upon the binding out of whom no larger Sum than Five Pounds 32 G. 3. c. 57.
'had been or should be paid: And whereas Doubts have been entertained whether the said Acts apply to 'the Case of any Apprentice where no Sum of Money was paid on the binding of such Apprentice;' be Recited Acts declared to extend to Apprentices where no Premium was paid.
it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Provisions of the said Acts and each of them shall be taken to extend to Apprentices where no Sum or Premium of Apprenticeship has been or shall be paid on the binding of such Apprentice.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. VIII.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-two. [23d *March* 1842.]

CAP. IX.

An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes. [22d *April* 1842.]

'WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King *George* 'the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money* 57 G. 3. c. 34.
'*out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in* 'the United Kingdom, *and Employment of the Poor in* Great Britain, in manner therein mentioned: And
'whereas another Act was passed in the same Session of Parliament, intituled *An Act to amend an Act* 57 G. 3. c. 124.
'*made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance* 'of Money *for carrying on Public Works and Fisheries, and the Employment of the Poor:* And whereas
'another Act was passed in the First Year of the Reign of His Majesty King *George* the Fourth, 'intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty* 1 G. 4. c. 60.
'*King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for* 'carrying *on of Public Works and Fisheries, and Employment of the Poor; and to extend the Powers of* 'the *Commissioners for executing the said Acts in* Great Britain: And whereas another Act was passed in
'the First and Second Years of the Reign of His said last-mentioned Majesty, intituled *An Act to empower* 1 & 2 G. 4. c. 111.
'*the Commissioners in* Great Britain *for the Execution of several Acts for authorizing the Issue of Exchequer* 'Bills *for carrying on of Public Works and Fisheries, and Employment of the Poor, to extend the Time for* 'the *Payment of certain Advances under the said Acts:* And whereas another Act was passed in the Third
'Year of the Reign of His said last-mentioned Majesty, intituled *An Act to amend Two Acts, of the Fifty-* 3 G. 4. c. 86.
'*seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of* 'Exchequer *Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment* 'of *the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And
'whereas another Act was passed in the Fourth Year of the Reign of His said last-mentioned Majesty, 'intituled *An Act to authorize the Advance of Money by the Commissioners under several Acts for the Issue* 4 G. 4. c. 63.
'*of Exchequer Bills for Public Works, for the building, rebuilding, enlarging, or repairing of Gaols in* 'England: And whereas another Act was passed in the Fifth Year of the Reign of His said last-mentioned
'Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer* 5 G. 4. c. 36.
'*Bills for Public Works:* And whereas another Act was passed in the same Year, intituled *An Act to* 5 G. 4. c. 77.
'*amend the Acts for the Issue of Exchequer Bills for Public Works:* And whereas another Act was passed in
'the Sixth Year of the Reign of His said last-mentioned Majesty, intituled *An Act to render more effectual* 6 G. 4. c. 35.
'*the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland: And
'whereas another Act was passed in the Seventh Year of the Reign of His said last-mentioned Majesty, 'intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and* 7 G. 4. c. 30.
'*to extend the Provisions thereof in certain Cases:* And whereas another Act was passed in the Seventh
'and Eighth Years of the Reign of His said last-mentioned Majesty, intituled *An Act to amend an Act of* 7 & 8 G. 4. c. 12.
'*the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland:
'And whereas another Act was passed in the same Year, intituled *An Act for the further Amendment and* 7 & 8 G. 4. c. 47.
'*Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works:* And
'whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King 'William the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer* 1 & 2 W. 4. c. 24.
'*Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the* 'Poor; *and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts:* And
'whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, 'intituled *An Act to amend several Acts authorizing Advances for carrying on Public Works:* And whereas 3 & 4 W. 4. c. 32.

'another

4&5 W.4. c.72. ‘ another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An* ‘ *Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and* ‘ *Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes* ‘ *of the said Acts:* And whereas another Act was passed in the First Year of the Reign of Her present 7 W. 4. & 1 Vict. c. 51. ‘ Majesty Queen *Victoria*, intituled *An Act to authorize the further Issue of Exchequer Bills for Public* ‘ *Works and Fisheries, and Employment of the Poor; and to amend the Acts relating thereto:* And whereas ‘ another Act was passed in the First and Second Years of the Reign of Her said present Majesty, intituled 1&2 Vict. c. 88. ‘ *An Act to authorize the further Issue of Exchequer Bills for Public Works and Fisheries, and Employment* ‘ *of the Poor; and to amend the Acts relating thereto:* And whereas another Act was passed in the Third Year 3&4 Vict. c. 10. ‘ of the Reign of Her said present Majesty, intituled *An Act to authorize the Issue of Exchequer Bills for* ‘ *Public Works and Fisheries, and Employment of the Poor:* And whereas sundry Advances or Loans ‘ have been made by the Commissioners of the said recited Acts for the Purposes in the Acts specified, ‘ and great Benefits have been derived therefrom: And whereas further Advances or Loans are required ‘ for the like Objects, and it is deemed expedient to make Advances of Money out of the Consolidated Fund ‘ for the Purposes of such Loans, in lieu of the occasional Issues of Exchequer Bills hitherto adopted, and ‘ which are found to be inconvenient: And whereas the Sums now received and carried to the Consolidated ‘ Fund in Repayment of the Principal, with Interest, of the existing Loans, amount annually, and will ‘ do so for some Years to come, to a Sum which would be sufficient to furnish adequate Means for making ‘ the requisite Advances, if the Consolidated Fund were released from the Charge of paying off the ‘ Exchequer Bills now outstanding, or remaining to be issued, under the Provisions of the said Two last- ‘ mentioned Acts: And whereas a large Amount of the Exchequer Bills so outstanding are now held by ‘ the Commissioners for the Reduction of the National Debt, on account of Saving Banks, and may be ‘ funded under the Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King 9 G. 4. c. 92. ‘ *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Saving Banks*, and it ‘ is unnecessary to make Provision for paying off the same:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the Purposes of such Advances or Loans as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Three or more of them, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, (after providing for all preceding Charges, but having Preference of all future Charges,) and to direct the Issue or to be paid thereout, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money, not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-two, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per* Quarter, the same to become due on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, the First Instalment thereof to become due and payable on the Fifth Day of *April* One thousand eight hundred and forty-two, or upon the passing of this Act, whichever shall last happen.

360,000*l.* to be charged upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be opened at the Bank of England for the Purpose.

II. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall cause a separate Account to be opened at the Bank of *England* with them for such Purpose, under the Title, “ The Commissioners for the Reduction of the National Debt, on account of the Public Works Loan Fund,” which Account the Governor and Company of the Bank of *England* shall and they are hereby required to open in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and there shall be provided and kept, in the Office of the said Commissioners for the Reduction of the National Debt, a Book or Books, in which all the Monies transferred to the Account of the said last-mentioned Commissioners by virtue of this Act shall be entered and kept separate and apart from all other Monies; and such Monies shall be by them held, subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act, for the Purposes of such Loans and Advances as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made, and for other the Purposes herein-after mentioned.

Bank to open an Account with the Commissioners for executing this Act.

III. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to open an Account in their Books with the Commissioners for the Execution of this Act, under the Title of “ The Commissioners for the Issue of Loans for Public Works and Fisheries, *et cætera*,” and to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and shall be paid to the Cashiers of the said Bank of *England*, upon such or the like Certificates, under the Hands of the said Commissioners of the said recited Acts and of this Act, as have been heretofore used for such Purpose in regard to Exchequer Bill Loans as directed by the said recited Acts, or some or one of them, in such and the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into Bank to the Account of

IV. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall

shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioners to make Part of the Consolidated Fund.

V. And be it enacted, That the several Persons who in and by the said recited Acts, or any of them, are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of passing of this Act, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners for executing recited Acts to be Commissioners for executing this Act.

VI. And be it enacted, That the said Commissioners named or constituted in and by the said recited Acts, or either of them, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

Commissioners to sign the following Declaration.

'I *A.B.* do declare, That, according to the best of my Judgment, I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act, and the Acts therein recited, and other Acts having reference thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

VII. And be it enacted, That when and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-named Commissioners, shall upon the Back of every such Certificate indorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to one of such Persons, and which Order of such Officer, previous to the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-named Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*; and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act.

Amount of Monies to be advanced under this Act to be certified to the Commissioners for the Reduction of the National Debt.

VIII. And be it enacted, That the Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account, to the Thirty-first Day of *December* in each Year, of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Commissioners of National Debt to furnish Account of Fund for Audit.

IX. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, from Time to Time to appoint such Officers, Clerks, and other Persons as may be necessary to be employed by the said Commissioners for the Reduction of the National Debt for carrying this Act into execution, and as may be approved of by the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to order and direct to be issued and paid, out of the Fund upon which the Establishment of the said Commissioners for the Reduction of the National Debt is chargeable, any Sum or Sums of Money for the Payment of Salaries to Officers and Clerks acting under the said Commissioners for the Reduction of the National Debt in the Execution of this Act, and any incidental Expences incurred by the said Commissioners for the Reduction of the National Debt in carrying into execution this Act, in such Manner as the said Commissioners of Her Majesty's Treasury shall from Time to Time think fit and reasonable.

Appointment of Clerks and Officers by the Commissioners for the Reduction of National Debt, and for defraying Expences attending the Execution of this Act by the said Commissioners.

X. And be it enacted, That it shall be lawful for the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, and they are hereby authorized and empowered, to order and direct to be paid any Sum or Sums of Money out of the Monies hereby authorized to be issued as aforesaid, for the Purpose of paying or defraying all such Allowances, Costs, Charges, and Expences of or incident to the Execution of the said recited Acts or this Act as are not hereby otherwise provided for, without any other Account than before the said Commissioners of Her Majesty's Treasury: Provided nevertheless, that from and after the Fifth Day of *April* One thousand eight hundred and forty-seven all Monies required for the Purpose of paying all such Allowances, Costs, Charges, and Expences of or incident to the Execution of the said recited Acts or this Act as are not hereby otherwise provided

Commissioners may issue Money for defraying Expence of executing recited Acts and this Act.

for shall be issued and advanced in the Manner prescribed by the said recited Act of the Third Year of the Reign of Her said present Majesty.

Commissioners may make Advances to Persons engaged in Public Works, &c.

XI. And be it enacted, That the said Commissioners of the said recited Acts and of this Act, at any Time after the passing of this Act, may lend and advance, and apportion or distribute, and authorize to be paid to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors, or any Person or Persons engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may be hereafter carried on under the Authority of Parliament, or for the Encouragement of the Fisheries, or for the Support of any Collieries or Mines, or for the building, rebuilding, enlarging, repairing, improving, or fitting up of any County or Town Halls, or of any County Lunatic Asylums, or to any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any of the Purposes mentioned in the said recited Acts or any or either of them, or this Act, or any Act or Acts having relation thereto, all or any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, for such Times or Periods, at such Rate or Rates of Interest (if any), upon such Securities, and subject to such or the like Terms and Conditions, or any or either of them, as are in and by the same Acts respectively specified and prescribed in regard to Loans of Exchequer Bills under the said recited Acts, or any or either of them, or any Act or Acts of Parliament having relation thereto; and that in case any such Loans or Advances shall be made for the Purpose of building, rebuilding, enlarging, repairing, improving, or fitting up of any County or Town Halls, or of any County Lunatic Asylum, such Loans or Advances shall be made on the like Application, and on such or the like Security of Rates, to be expressly made for such Purpose by the Justices of the Peace for the County, City, Town, or Place in or to which such Halls or Asylums shall be respectively situate or belong, and which Rates such Justices are hereby authorized and empowered to make accordingly, and on such or the like Terms, and subject to such or the like Provisions, as are in and by the said recited Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth expressed and contained in regard to Advances or Loans to be made thereunder for the building, rebuilding, enlarging, or repairing of Gaols in *England*.

4 G 4. c. 63.

Commissioners may make Advances to Guardians of Unions or other Persons authorized by 1 & 2 Vict. c. 56. to borrow, for building, fitting, and furnishing Workhouses in Ireland.

XII. 'And whereas in pursuance of the said recited Act of the First and Second Years of the Reign of 'Her present Majesty, and of an Act also passed in the First and Second Years of the Reign of Her said 'present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in* Ireland, the Sum 'of Two hundred and fifty thousand Pounds, Part of the Sum of Five hundred thousand Pounds by the 'said first-mentioned Act of the First and Second Years of the Reign of Her said present Majesty 'authorized to be raised in Exchequer Bills, has been appropriated or reserved, under the Authority or 'Direction of the Commissioners of Her present Majesty's Treasury, for the Promotion and Extension 'of Public Works in *Ireland*, and for building, fitting, and furnishing Workhouses in *Ireland*, and other 'the Objects for which such Loans are authorized by the said secondly-mentioned Act, Two hundred 'thousand Pounds whereof in Exchequer Bills has, under the like Authority, been applied, advanced, or 'lent for such last-mentioned Purposes accordingly; and the Sum of Eight hundred thousand Pounds, 'Part of the Sum of One million two hundred thousand Pounds by the said Act of the Third Year of 'the Reign of Her said present Majesty authorized to be raised in Exchequer Bills, has, under the like 'Authority or Direction, been appropriated for building, fitting, and furnishing Workhouses in *Ireland*, 'and other the Objects for which such Loans are authorized by the said secondly-mentioned Act, under 'the Powers and Provisions of the said Two Acts of the First and Second Years of the Reign of Her 'said present Majesty, and it is expedient that further Advances should be authorized to be made for 'the same lastly-mentioned Purposes;' be it therefore enacted, That the said Commissioners for the Execution of this Act may receive Applications for any Loan or Loans, and make such Loan or Loans accordingly, of any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, unto the Guardians of any Union or Electoral Division, or other Persons, by the said secondly-mentioned Act of the First and Second Years of the Reign of Her said present Majesty authorized to borrow and obtain the same, for the building, fitting, and furnishing Workhouses in *Ireland*, or other the Purposes for which such Money is by such lastly-mentioned Act authorized to be borrowed, repayable by such Instalments, at such Interest, upon such Security, on such Terms, and subject to such Conditions and Provisions, as are mentioned and contained in the said last-mentioned Act; save only and except that where by the said last-mentioned Act it is provided that the first of such Instalments shall be repaid at or before the Expiration of One Year after the Time of the Advance of such Money, if at the Time of such Advance any Workhouse in the said Union shall have been declared by the said Commissioners of the same Act fit for the Reception of destitute Poor, and if no Workhouse in the Union shall have been so declared fit, then at or before the Expiration of One Year after the Time when some Workhouse shall have been so declared fit, such Provisions shall, as well with reference to any Loans or Advances already made or which shall hereafter be made under the said Two recited Acts of the First and Second Years of the Reign of Her said present Majesty, and the said Act of the Third Year of the Reign of Her said present Majesty, as also with reference to all Loans or Advances to be made under this present Act, be construed and taken as referring to a permanent Workhouse fit for the Reception of destitute Poor, and not to any temporary or occasional Workhouse which may have been or which may be fitted up for any such Union; and that all Declarations which may have been made by the said Commissioners of the said secondly-recited Act of the First and Second Years of the Reign of Her said present Majesty, as to the Fitness of any such temporary or occasional Workhouse for the Reception

of

of destitute Poor, shall, so far as regards the Charges or Securities which have been made or executed under the Powers or Provisions of the same Act, be deemed and considered as null and void.

Commissioners may grant Loans to any Persons or Companies in Ireland, under the Conditions contained in the recited Acts and this Act.

XIII. And be it enacted, That it shall be lawful for the said Commissioners of the said recited Acts authorizing the Issue of Exchequer Bills, and of this Act, to receive Applications for any Loan or Loans, and to make such Loans accordingly, of any Part or Parts of the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, for all such and the same or the like Purposes, and upon such or the like Securities, and under and subject to such and the same Rules, Regulations, Restrictions, Conditions, and Provisions, as the said Commissioners are empowered to do by the said recited Acts or this Act with respect to Loans or Advances to Persons, Bodies Politic or Corporate, or Companies, for public or other Works in *Great Britain*; and that the said last-mentioned Commissioners, and their Secretary for the Time being, shall have, exercise, and be entitled to all such and the same or the like Powers, Authorities, Rights, and Remedies in relation thereto as they respectively would have had or been entitled to under the said recited Acts and this Act in case such Loans or Advances had been made to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, or otherwise, for public or other Works in any Part of *Great Britain*; any Statute, or any Rule of Law or Equity, of *Great Britain* or of *Ireland*, or any Custom, to the contrary thereof in anywise notwithstanding.

Powers, &c. of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

XIV. And be it enacted, That all the Clauses, Powers, Authorities, Provisoes, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them, in relation to any Advances of Exchequer Bills or Money made or to be made under the said recited Acts or any of them, or for the Recovery and Repayment of such Advances, shall extend and are hereby extended and made applicable to all Loans and Advances of Money to be made under the Authority of this Act, and to all Acts, Matters, and Things made, done, executed, or directed by the said Commissioners of Her Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, or their Secretary for the Time being, or any other Persons, Parties, Bodies Politic or Corporate, under the Authority of the said recited Acts or this Act, or any or either of them, and the Recovery and Repayment of such Advances, in such or the like Manner, to all Intents, Constructions, and Purposes whatsoever, as if such Clauses, Powers, Authorities, Provisoes, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended, extended, or altered by any subsequent Act or by this present Act.

Mortgages, &c. to be in such Form as Commissioners shall direct.

XV. And be it enacted, That all Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, which shall from Time to Time be taken by or on the Part of the said Commissioners of the said recited Acts and of this Act, or by their Secretary, shall be made and prepared in such Form as the said Commissioners shall from Time to Time order or direct, and, when executed by the Mortgagors or other Parties making such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, shall be valid and effectual in the Law to pass all the Estate or Interest of such Mortgagors or other Persons in the Property, Estate, or Effects comprised therein, (except where otherwise expressly provided by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, and for all other the Objects and Purposes expressed or intended to be effected by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances,) but subject nevertheless to such Right of Redemption, if any, as shall or may, by such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances, be reserved to the Mortgagors or other Persons executing the same as aforesaid, and to such other Right or Equity of Redemption, if any, as shall or may arise thereout under any Rule of Equity; and the Fact of the Secretary of the said Commissioners being a Party to such Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances shall be deemed conclusive Evidence of the same Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances having been so made and prepared in the Form prescribed by and under the Order and Direction of the said Commissioners; and that all Mortgages, Conveyances, Assignments, Charges, Securities, or other Assurances already executed unto the said Commissioners to their Secretary shall be deemed and taken to have been prepared, in like Manner, under the Order or Direction of the said Commissioners, and shall also be deemed and taken to have had the like Operation in passing all the Estate or Interest of the Mortgagors or other Persons executing the same, in the Property, Estate, or Effects comprised therein, or for all other the Objects and Purposes aforesaid, or intended to be effected thereby, except and subject as aforesaid.

Secretary of Commissioners may grant Leases, under their Order and Direction.

XVI. And be it enacted, That all Demises or Leases which by the said recited Acts or this Act the said Commissioners are authorized to grant or execute shall and may, if they shall think proper, be granted and executed by their Secretary for the Time being, under their Order or Direction; and every such Demise or Lease as shall be executed by such Secretary shall be deemed and taken to have been executed by him under such Order and Direction of the said Commissioners, unless the contrary be shown by any Person or Persons interested in contesting the Validity of such Demise or Lease.

Commissioners may accept Payment of Loans, or Portion of Loans, and

XVII. 'And whereas by the said recited Act of the Third Year of the Reign of His late Majesty King 'George the Fourth it is amongst other things enacted, that in all Cases of Loans advanced under the 'Provisions of the said therein-recited Acts or any of them, or of that Act, it should be lawful for any 'Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who might

direct the Release or Transfer of corresponding Interest in the Securities.

'be desirous of discharging and paying off the Amount of the Principal Money and Interest due or 'thereafter to become due to the said Commissioners, or to their Secretary for the Time being, on any 'Loan or Loans advanced under the said therein-recited Acts or any of them, or which should thereafter 'be advanced under the said therein-recited Acts or any of them, or that Act, and he or they were 'thereby empowered, to borrow such Sum or Sums of Money as might be required for such Purpose of 'any Person or Persons willing to advance the same, on the Security of an Assignment of the Mortgage 'or other Security given to the said Commissioners, or their Secretary for the Time being, for the Loan 'or Loans which might be proposed to be paid off as aforesaid, and which Assignment the said Commis-'sioners were thereby authorized and empowered to direct their Secretary to make, upon such Terms 'and Conditions as the said Commissioners should, under the Circumstances of any such Case, at any 'Time deem expedient, and the Parties or Persons, Bodies Politic or Corporate, or Company or Com-'panies of Proprietors, to whom such Assignment should be made, should, under and by virtue thereof, 'in all respects be entitled to such and the like Priority, Powers, Privileges, and Advantages as the said 'Commissioners were entitled to on the Security so assigned, until the Principal and Interest remaining 'due and secured thereby should be fully paid and discharged: And whereas Doubts have arisen 'whether such Enactment authorizes the paying off, Assignment, or Transfer of a Portion only of any 'Loan or Loans for the Time being remaining due to the said Commissioners on any such Mortgage or 'Security as aforesaid, and the borrowing of sufficient Monies for such Purpose, and it is expedient to 'obviate such Doubts, and otherwise to extend the Operation of the said Enactment;' be it therefore enacted, That in all Cases where at any Time or Times any Parties, Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, entitled to or interested in the Right or Equity of Redemption of any Property, Works, Rates, Tolls, or other Effects comprised in any Mortgage, Charge, or other Security for the Time being vested in the said Commissioners or their Secretary, under the Provisions of the said recited Acts or any of them, or this Act, or any other Person or Persons whosoever, shall be desirous of discharging or paying the Whole or any Portion or Portions of the Mortgage or other Debt and Interest for the Time being remaining due or owing to the said Commissioners or to their Secretary on such Mortgage, Charge, or other Security, it shall and may be lawful for the said Commissioners, if they shall think proper so to do, to accept Payment of the same Mortgage or other Debt, and Interest, or of such Portion or Portions thereof as aforesaid, and in consideration thereof to direct their Secretary to make and execute such Release, Assignment, Transfer, Declaration of Trust, or other Assurance of the Mortgage or other Debt, and Interest, or Portion or Portions, respectively so discharged or paid, and of the Property, Works, Rates, Tolls, or Effects comprised in such Mortgage, Charge, or other Security, or any Part or Parts thereof, or any Estate or Interest therein, unto or in favour or according to the Direction of the Party or Parties, Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, discharging or paying, or procuring the Discharge or Payment of the same Mortgage or other Debt, and Interest, or of such Portion or Portions thereof respectively as aforesaid, upon such Terms and Conditions, and in such Manner and Form, in all respects, as they the said Commissioners shall, under the Circumstances of any such Case, deem expedient; and the Party or Parties, Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who may be so desirous of discharging or paying such Mortgage or other Debt and Interest, or such Portion or Portions thereof as aforesaid, shall be and they are hereby empowered to borrow all such Sum or Sums of Money as may be requisite for that Purpose, or any Part thereof, of any Person or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors whomsoever, who shall be willing to lend and advance the same on the Security of such Assignment, Transfer, Declaration of Trust, or other Assurance as aforesaid; and the Party or Parties, Person or Persons, Bodies Politic or Corporate, and Company or Companies of Proprietors, unto or in whose Favour any such Assignment, Transfer, Declaration of Trust, or other Assurance shall be so executed as aforesaid, shall, under and by virtue thereof, to the Extent to which the same shall be thereby conceded or granted by the said Commissioners, or their Secretary by their Direction, be entitled to all such and the like Priorities, Powers, Privileges, and Advantages as the said Commissioners were or would have been entitled to under the Mortgage, Charge, or other Security the Benefit whereof shall be so assigned, transferred, or otherwise assured, or in part assigned, transferred, or otherwise assured, until the Mortgage or other Debt, and Interest, or Portion or Portions, so respectively assigned, transferred, or otherwise assured, shall be fully paid and discharged, and that either subject and without Prejudice to, or with Priority over or concurrently with, the Powers, Privileges, and Advantages of the said Commissioners in respect of the Part or Portion, if any, of the said Mortgage or other Debt, and Interest, which for the Time being shall or may be still remaining due and owing to the said Commissioners, and not comprised in such Assignment, Transfer, or other Assurance, according as the same may be so conceded or granted by the said Commissioners, or their Secretary by their Direction, in and by such Assignment, Transfer, or other Assurance; and that the said Commissioners, or their Secretary by their Direction, shall have full Power and Authority to enter into and accede to all such Arrangements in regard to such Releases, Assignments, Transfers, Declarations of Trust, or other Assurances, and as to the Mode of effectuating the same, as they the said Commissioners shall deem expedient; and that the Concurrence of the Secretary for the Time being of the said Commissioners in any such Release, Assignment, Transfer, Declaration of Trust, or other Assurance, under the alleged Order or Direction of the said Commissioners, shall, in favour of all Parties claiming thereunder, be deemed sufficient Evidence of the same, and the several Provisions

therein contained having been executed and entered into under the Order and Direction of the said Commissioners.

Power for Commissioners to concur in Leases, Sales, and other Dispositions of mortgaged Property.

XVIII. And be it enacted, That in case at any Time or Times hereafter the Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, entitled to or interested in the Right or Equity of Redemption of the Property, Works, Rates, Tolls, or Effects comprised in or affected by any Mortgage, Charge, or other Security vested in the said Commissioners, or their Secretary for the Time being, under the Provisions of the said recited Acts or any of them, or this Act, shall be desirous of leasing, selling, or otherwise disposing of the same Property, Works, Rates, Tolls, or Effects, or any Part or Parts thereof, or of procuring the same or any Part thereof, for any other Purpose, to be released or discharged from the Mortgage or other Debt for the Time being remaining due and owing to the said Commissioners on such Mortgage, Charge, or other Security, it shall and may be lawful for the said Commissioners, if they shall think proper so to do, and notwithstanding they may not for the Time being have taken possession of such Property, Works, Rates, Tolls, or Effects, under the Powers and Provisions of the said recited Acts or of this Act, to direct and empower their Secretary for the Time being, for and on behalf of them the said Commissioners, to concur in all such Leases, Conveyances, or other Assurances or Releases as may be requisite or be deemed expedient for effectuating such Objects, either in consideration of any previous Diminution or part Payment of such Mortgage or other Debt, or in consideration of the Fine or Fines (if any) or Sum or Sums of Money to be paid as the Consideration for such Leases, Purchases, or Conveyances, or any Part thereof, or any other Sum or Sums of Money, being paid to the said Commissioners or to their Secretary, in or towards Satisfaction of the Principal and Interest Money for the Time being remaining due to the said Commissioners or their Secretary on such Mortgage, Charge, or other Security, or for any other Consideration, as the said Commissioners shall deem meet, or, if the said Commissioners shall think proper, without any pecuniary Consideration, and generally to concur in or accede to all such Arrangements in regard to such Leases, Conveyances, or other Assurances, or Dispositions and Releases, and the Reservations, Covenants, Stipulations, and Agreements in such Leases, Conveyances, or other Assurances to be respectively reserved and contained, as they the said Commissioners shall deem expedient or proper; and that the Concurrence of the Secretary for the Time being of the said Commissioners in any such Lease, Conveyance, Release, or other Assurance, under the alleged Order or Direction of the said Commissioners, shall, in favour of all Parties claiming thereunder, be deemed sufficient Evidence of the same, and the several Provisions therein contained, having been executed and entered into under the Order and Direction of the said Commissioners.

Commissioners may retain the whole of the Mortgage Debt, &c. out of Purchase Monies, notwithstanding some of the Instalments of Principal may not be due and payable at the Time of Sale, &c.

XIX. And be it enacted, That in case the said Commissioners shall, under and in pursuance of the Powers or Authorities of any of the said recited Acts or this Act, make any Sale or other absolute Disposition of any Public Works, Interest, Property, or Effects comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed, under the Provisions of any of the said recited Acts or this Act, it shall and may be lawful for them to deduct and retain out of the clear Monies thereby produced, after the Payment of the Costs, Charges, and Expences of or incident to the preparing for and making such Sale or other Disposition, so far as such clear Monies will extend, all the Principal Monies for the Time being remaining due or owing or secured upon or by virtue of such Mortgage, Assignment, or Charge, notwithstanding the whole of such Principal Money, or any Instalments thereof, may not, according to the Terms or Provisions of such Mortgage, Assignment, or Charge, have become actually due and payable, together with all Interest (if any) for the Time being accrued due on such Principal Monies.

Sales, &c. by Commissioners to be binding on Mortgagors, &c.

XX. And be it enacted, That if and when the said Commissioners have sold or made any absolute Disposition, or shall hereafter sell or make any Disposition, of any Public Works, Interest, Property, or Effects whatsoever, of which they may have taken or shall take possession in pursuance of the Powers contained in any of the said recited Acts or this Act, the same Public Works, Interest, Property, or Effects shall, in respect and to the Extent of the Estate or Interest so sold or otherwise disposed of, be held freed and discharged from all Claim and Demand of the Persons, Parties, Bodies Politic, Corporate, or Collegiate, or Companies, by whom the same were conveyed or transferred to the said Commissioners or to their Secretary, and of all Persons or Bodies claiming under them, and in all respects as if such Persons, Parties, Bodies Politic, Corporate, or Collegiate, or Companies, making such Conveyance or Transfer, and all Persons or Bodies claiming under them, were in all respects, to such Extent as aforesaid, foreclosed from all Equity or Right of Redemption of or in respect of the Premises so sold or disposed of: Provided nevertheless, that nothing herein contained shall be taken or construed to prejudice the Rights and Remedies of any Persons or Parties, Bodies Corporate, Politic, or Collegiate, or Companies, as against the said Commissioners or their Secretary, for or in respect of any Surplus of the Monies which shall or may arise or be produced by or in consequence of such Commissioners or their Secretary, or any other Person or Persons on their Account, entering into possession, and conducting, carrying on, or managing of such Works, Interest, Property, or Effects, or by or in consequence of their entering into the Receipt of such Tolls, Rates, Rents, or other Profits of such Works, Interest, Property, or Effects, or by or in consequence of the said Commissioners selling or otherwise disposing thereof as aforesaid, after paying and discharging all the Costs, Charges, and Expences of or incident to such entering into possession of such Works, Interest, Property, or Effects, or the conducting, managing, or carrying on the same, or receiving or collecting of such Tolls, Rates, Rents, and Profits, or of the selling and

and disposing of such Works, Interest, Property, or Effects as aforesaid, and also after paying and discharging all the Principal, Interest, or other Monies which shall for the Time being be due or owing on the Security of the same Works, Interest, Property, or Effects, Tolls, Rates, or Rents respectively, under or by virtue of the Provisions of the said recited Acts or this Act, or any or either of them, and which clear surplus Monies, together with all such Estate or Interest (if any) of and in the said Works, Interest, Property, or Effects, Tolls, Rates, Rents, and Profits (if any), which shall remain unsold or undisposed of, after Payment of all such Costs, Charges, and Expences, Principal, Interest, or other Monies, shall result in Equity or belong to such Persons or Parties, Bodies Corporate, Politic, or Collegiate, or Companies respectively, and be accounted for or re-conveyed or re-assured to them respectively accordingly: Provided nevertheless, that in case at any public Auction to be held for the Sale or Disposition of any Public Works, Interest, Property, or Effects whatsoever, by Order of the said Commissioners, under the Powers of any of the said recited Acts or of this Act, the same Public Works, Interest, Property, or Effects shall be bought in by or by the Order of the Commissioners, in consequence of the highest *bonâ fide* Bidding at such Auction for such Public Works, Interest, Property, and Effects not being equal to the Amount of Principal, Interest, or other Monies for the Time being remaining owing on the Security of such Public Works, Interest, Property, and Effects, then and in such Case it shall and may be lawful for such Commissioners, at any Time thereafter, to sell and dispose of the same Public Works, Interest, Property, and Effects, either by public Auction or by private Contract, upon such Terms, and under and subject to such Conditions of Sale, or other Conditions, Stipulations, and Agreements, as they the said Commissioners may think proper or deem expedient for the Purpose of insuring the Completion or carrying on of such Public Works by the Purchaser or Purchasers thereof, with a view to the public good or general benefit, or for any other Purpose, notwithstanding such Conditions of Sale, or other Conditions, Stipulations, and Agreements, may be considered prejudicial to such Re-sale, or may not be beneficial to the Persons, Parties, Bodies Corporate, Politic, or Collegiate, or Companies, making such Mortgage, Assignment, or Charge aforesaid, or otherwise interested in such Public Works, Interest, Property, and Effects, in like Manner in all respects as if such Public Works, Interest, Property, and Effects were the absolute Property of the said Commissioners, or such Persons, Parties, Bodies Corporate, Politic, or Collegiate, or Companies, as aforesaid, were in all respects foreclosed from all Right or Equity of Redemption of or in respect of the Premises so sold or disposed of.

Commissioners may sell Materials of Works in certain Cases.

XXI. And be it enacted, That whenever the said Commissioners shall, under or in pursuance of any of the Powers or Authorities of the said recited Acts or of this Act, have entered into the Receipt of any Rates, Tolls, Duties, Issues, or Profits comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed, arising from any Public Work, Interest, Property, or Effects, or into possession of any Public Works, Interest, Property, or Effects comprised in any Mortgage, Assignment, or other Charge, already executed or hereafter to be executed under the Provisions of the said recited Acts or of this Act, and the Rates, Tolls, Duties, Issues, and Profits of such Works, Interest, Property, or Effects respectively, shall not be sufficient to pay and keep down the current Expences of the working, keeping, and maintaining the same open and in repair, together with the Arrears of Instalments of Principal or Interest for the Time being accrued due on such Mortgage, Assignment, or other Charge, it shall and may be lawful for the said Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, testified by their Warrant under the Hands of Three or more of them, to order and direct the Works and Property from whence any such Rates, Tolls, Duties, Issues, and Profits comprised in any such Mortgage, Assignment, or other Charge shall arise, or any such other Works, Property, and Effects, to be broken up, taken down, pulled to Pieces, or otherwise destroyed, and to sell the Materials thereof or of any Part thereof, and the Sites thereof, and other the Articles, Property, and Effects belonging thereto, either together or in Parcels, and either by public Auction or by private Contract, and under and subject to such Conditions of Sale, and in such Manner in all respects, as they the said Commissioners of the said recited Acts and of this Act shall deem expedient or think proper, or otherwise to authorize the Purchaser or Purchasers of such Works, Property, and Effects, or any of them, their or his Heirs, Executors, Administrators, or Assigns, with the like Consent of the said Commissioners of Her Majesty's Treasury, and to be so testified as aforesaid, to break up, take down, pull to Pieces, or otherwise destroy, and to sell, use, or otherwise employ, the Materials and Sites thereof, in such Manner in all respects as they respectively shall think proper, without such Commissioners of the said recited Acts and of this Act, or their Secretary, or other Person or Persons, performing such Order or Direction as aforesaid, or such Purchaser or Purchasers as aforesaid, his or their Heirs, Executors, Administrators, or Assigns, being in anywise liable in Damages or otherwise to any Person or Persons whomsoever, for their or his so breaking up, taking down, pulling to Pieces, or otherwise destroying such Works or any of them.

Construction of certain Words in this Act.

XXII. And be it enacted, That the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," whensoever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. X.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-three; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. [22d *April* 1842.]

[*This Act is the same, except as to Dates, as 4 & 5 Vict. c.* 11.]

CAP. XI.

An Act for appointing Commissioners to inquire as to the Issue, Receipt, Circulation, and Possession of certain forged Exchequer Bills. [22d *April* 1842.]

'WHEREAS certain Documents purporting to be Exchequer Bills have been presented at the Exchequer for Examination, and have been there detained as forged, and there is Reason to believe that other forged and fraudulent Documents purporting to be Exchequer Bills have been put into circulation, and are now holden by divers Persons, who claim to have become possessed thereof *bonâ fide*, and for a full and valuable Consideration: And whereas it is highly expedient for the Public Service that an Inquiry should be made by Commissioners, to be specially appointed for that Purpose, into the Manner whereby such Documents were made and issued, and in which the same came into the Possession of the Parties by whom they may now be holden:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *William* Earl of *Devon*, *Henry John Stephen* Esquire, Serjeant at Law, and *Robert Mitford* Esquire, be constituted and appointed Commissioners of Inquiry for the Purpose of this Act; and in case of the Death, Resignation, Refusal, or becoming incapable to act of any of the said Commissioners, then and as often as the same shall happen it shall be lawful for Her Majesty, by a Commission under the Great Seal of *Great Britain*, to constitute and appoint a Person to be a Commissioner of Inquiry for the Purposes of this Act in the Place of the Commissioner so dying, resigning, refusing, or becoming incapable to act. Commissioners to be appointed.

II. And be it enacted, That every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of the Commission, take the following Oath before the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer; (that is to say,) Commissioners to be sworn.

'I *A. B.* do swear, That I will truly and faithfully execute the Powers and Trusts vested in me by an Act, intituled [*here set forth the Title of this Act*], according to the best of my Knowledge and Judgment.

'So help me GOD.'

III. And be it enacted, That the said Commissioners shall have Power to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by the Commissioners of Her Majesty's Treasury. Secretary and Clerks to be appointed.

IV. And be it enacted, That the said Commissioners shall meet from Time to Time in some convenient Place or Places to be appointed for that Purpose in *London* or *Westminster*, by the Commissioners of Her Majesty's Treasury; and the said Commissioners of Inquiry shall give Notice of their Appointment, and of their Place or Places of Meeting, in the *London Gazette*. Place of Meeting.

V. And be it enacted, That the said Commissioners shall, by all such lawful Means as to them may appear best, with a view to the Discovery of the Truth, inquire into the Case of every Owner or Holder of any of the Documents purporting to be Exchequer Bills which are mentioned and described in the Schedule hereunto annexed, and also any other such Documents as shall be referred to them by the Commissioners of Her Majesty's Treasury, and shall from Time to Time report to Her Majesty the Evidence which shall be taken by them, and what they shall find concerning the Manner of the Issue, Circulation, Deposit, or Possession of every such Document, and especially in what Manner the Owners or Holders of such Documents received the same, whether in exchange for other Bills, and if so, in what Manner such Exchange was made; or whether by Purchase in open Market or otherwise, and if so, at what Rate of Purchase; or whether by way of Deposit as Securities for Loans of Money, and if so, at what Rate of Interest, and for what Time such Loans were made, and whether such Loans were renewed, and if so, how often, and for what Time; and also, whether the Owners or Holders of such Documents received the same in the usual Course of Business, and whether they employed any and what Means of Inquiry into the Genuineness of such Documents; and all other Matters and Things whereby, in the Opinion of the said Commissioners, the Truth may be better known touching the Premises. Inquiry by the Commissioners.

VI. And be it enacted, That every Report which the said Commissioners shall make to Her Majesty in pursuance of this Act, with the Exception of any Part of the Evidence which the Commissioners of Her Majesty's Treasury may deem it essential for the Public Interest to withhold, shall be laid before Parliament within One Calendar Month next after such Report shall be made, if Parliament shall then be sitting, or if not, then within One Calendar Month next after the then next Meeting of Parliament. Reports to be laid before Parliament.

VII. And

Power to send for Persons, Papers, &c.

VII. And be it enacted, That the Commissioners to be appointed in pursuance of this Act shall be authorized, by a Summons under their Hands and Seals, or under the Hand and Seal of any One of them, to require the Attendance before them, at a Time mentioned in the Summons, of any Person or Persons whomsoever, competent, or whom the said Commissioners shall believe to be competent, to give Evidence upon any Question depending before them, and require all Persons to bring before them such Books, Papers, Deeds, and Writings relating thereunto, as shall be necessary for carrying into execution the Purposes of this Act; all which Persons shall be required to attend the said Commissioners according to the Tenor of the Summons; provided that no Person shall be compellable to answer any Question, or to produce any Book, Paper, Deed, or Writing, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

No Person compellable to answer any criminating Question.

Commissioners may give any Person a Certificate of his having made a true Disclosure of the Matters examined upon; which shall be a full Indemnification and Discharge.

VIII. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, at their Discretion, to give to any Person examined before them a Certificate in Writing, stating that such Person has upon his or her Examination made a true and faithful Disclosure touching all Acts or Matters to which he or she has been so examined; and such Person so receiving such Certificate shall be and is hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, Incapacities, and all Criminal Prosecutions which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person or Persons, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person in respect of any Matter touching which he or she shall have been examined by the said Commissioners.

Writs of Habeas Corpus may be granted for bringing up Persons in Custody to be examined.

IX. 'And whereas it is expedient to make Provision for bringing Persons detained in Custody under 'Civil or Criminal Process to be examined before the said Commissioners touching such Things as are 'necessary for the Execution of the Powers vested in them by this Act;' be it enacted, That from and after the passing of this Act it shall be lawful for any Judge of Her Majesty's Superior Courts of Common Law at *Westminster*, at his Discretion, upon the Certificate of such Commissioners, or any Two of them, that the Evidence of any such Person is necessary to the effective Prosecution of the Inquiries, or some of them, directed by this Act, to award a Writ or Writs of Habeas Corpus for bringing any Prisoner or Prisoners detained in any Gaol or Prison in *England* before the said Commissioners of Inquiry, to be by them examined touching the Matters aforesaid.

Commissioners to examine on Oath.

X. And be it enacted, That the said Commissioners, or One of them, shall administer an Oath, or, in the Case of Persons allowed by Law to make Affirmation instead of taking an Oath, an Affirmation, to all Persons who shall be examined before them.

Penalty for Non-attendance or refusing to give Evidence.

XI. And be it enacted, That if any Person upon whom any such Summons shall be served by the Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall without reasonable Cause, to be allowed by the said Commissioners of Inquiry, fail to appear before them at the Time and Place mentioned in the Summons, or shall refuse to be sworn or make Affirmation, (as the Case may be,) or shall not make answer to such Questions as shall be put to him or her touching any Matter depending before the said Commissioners, or shall refuse or fail without reasonable Cause (to be allowed by the said Commissioners) to produce and show to the said Commissioners any such Books, Papers, Deeds, and Writings, relating to any Matter depending before them as shall be required by them as aforesaid, the said Commissioners, or the major Part of them, shall have such and the like Authority and Powers in all respects touching any such Person so failing to appear, or refusing to be sworn or to make Affirmation, or not answering such Questions as shall be put to him or her, or refusing to produce any such Books, Papers, Deeds, or Writings as aforesaid, as any of the Superior Courts in *Westminster Hall*, or any Judge of the said Courts, may now by Law exercise against any Person for making default of Appearance, or for refusing to be sworn or give Evidence, on any Issue joined in any Action depending in any of the said Courts.

Penalty for false swearing.

XII. And be it declared and enacted, That every Person who upon Examination upon Oath or Affirmation before the said Commissioners of Inquiry shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Limitation of Actions.

XIII. And be it enacted, That no Action shall be brought against the said Commissioners or either of them, or any other Person or Persons whomsoever, for any Thing done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of such Thing.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

STATEMENT of Instruments purporting to be Exchequer Bills for £1,000 each presented at the Office of the Comptroller General of the Exchequer for Examination, and detained.

No. of Receipt.	Name of Party.	Numbers.		Act.	Total N°.	Total Amount.
1.	Chief Cashier of Bank of England	5.	No. 8,319 @ 8,323	3 & 4 Vict. c. 106.	16	£ 16,000
		1.	No. 8,384 - -			
		7.	No. 6,498 @ 6,504	4 Vict. c. 19. -		
		1.	No. 7,065 - -			
		2.	Nos. 7,104. 7,105			
2.	Samuel Steward -	3.	No. 6,495 @ 6,497	Do. - -	3	3,000
3.	Benjamin Cole -	1.	No. 8,284 - -	3 & 4 Vict. c. 106.	1	1,000
4.	Mr. Hensley -	5.	No. 7,058 @ 7,062	4 Vict. c. 19. -	*	*
5.	D. N. Henriques -	1.	No. 8,283 - -	3 & 4 Vict. c. 106.	1	1,000
6.	J. Lawford -	1.	No. 8,445 - -	Do. - -	1	1,000
7.	Stone, Martin, & Co.	1.	No. 7,102 - -	4 Vict. c. 19. -	1	1,000
8.	James Anderson -	13.	No. 8,388 @ 8,400	3 & 4 Vict. c. 106.	13	13,000
9.	G. Fournier -	1.	No. 7,071 - -	4 Vict. c. 19. -	1	1,000
10.	H. Maynard -	1.	No. 7,073 - -	Do. - -	1	1,000
11.	W. Townsend, for Lewis Levi -	3.	No. 8,437 @ 8,439	3 & 4 Vict. c. 106.	3	3,000
12.	C. Sherman -	15.	No. 6,474 @ 6,488	4 Vict. c. 19. -	17	17,000
		2.	Nos. 8,440. 8,441	3 & 4 Vict. c. 106.		
13.	J. P. Vickery -	5.	Nos. 6,416. 6,420	4 Vict. c. 19. -	5	5,000
14.	T. Margrave, through G. Fournier -	1.	No. 8,403.	3 & 4 106.	1	1,000
15.	T. Browne -	2.	Nos. 8,381. 8,382	„ „	2	2,000
16.	Messrs. Price & Co.	4.	8,386 & 8,387 -	„ „	26	26,000
			8,470 & 8,471 -			
		21.	No. 7,910 @ 7,930	„ „		
		1.	No. 7,096 - -	4 19.		
Other Receipts.	Bank of England -	2.	Nos. 8,307. 8,308	3 & 4 Vict. c. 106.	60	60,000
		4.	No. 7,052 @ 7,055	4 19.		
		1.	No. 7,069 - -	„ „		
		1.	No. 7,067 - -	„ „		
		1.	No. 7,097 - -	„ „		
		10.	No. 6,434 @ 6,443	„ „		
		2.	Nos 8,401. 8,402	3 & 4 106.		
		2.	Nos. 8,404. 8 405	„ „		
		4.	No. 8,407 @ 8,410	„ „		
		1.	No. 7,070 - -	4 19.		
		1.	No. 7,098 - -	„ „		
		1.	No. 8,379 - -	3 & 4 106.		
		1.	No. 8,385 - -	„ „		
		1.	No. 8,406 - -	„ „		
		5.	No. 8 412 @ 8,416	„ „		
		8.	No. 8,429 @ 8,436	„ „		
		6.	No. 8,457 @ 8,462	„ „		
		1.	No. 8,411 - -	„ „		
		1.	No. 8,463 - -	„ „		
		3.	No. 8,304 @ 8,306	„ „		
		1.	No. 7,066 - -	4 19.		
		3.	No. 7,099 @ 7,101	„ „		

* £5,000 paid into the Bank of England as Part of the Scrip, and included in the Bills received by the Paymasters of Exchequer Bills.

Name of Party.	Numbers.		Act.	Total N°.	Total Amount.
The Paymasters of Exchequer Bills	3.	No. 8,275 @ 8,277	3 & 4 Vict. c. 106.	33	£ 33,000
	12.	No. 8,417 @ 8,428	„ „		
	5.	No. 7,058 @ 7,062	4 19.		
	1.	No. 7,072 - -	„ „		
	2.	Nos. 7,074. 7,075	„ „		
	3.	No. 7,083. 7,085 -	„ „		
	7.	No. 7,087. 7,093 -	„ „		
James Capel (Coutts & Co.)	5.	No. 8,278 @ 8,282	3 & 4 106.	51	51,000
	3.	No. 8,374 @ 8,376	„ „		
	1.	No. 8,446 - -	„ „		
	1.	No. 6,414 - -	4 19.		
	9.	No. 6,424 @ 6,432	„ „		
	14.	No. 6,446 @ 6,459	„ „		
	9.	No. 6,465 @ 6,473	„ „		
	4.	No. 6,489 @ 6,492	„ „		
	1.	No. 7,057 - -	„ „		
	2.	No. 7,063. 7,064 -	„ „		
	2.	No. 7,094. 7,095 -	„ „		
				236	236,000

A SIMILAR STATEMENT of INSTRUMENTS presented on 27th Oct[r] 1841, and returned to the Parties with a Notification that they did not coincide with the Counterfoils.

Name of Party.	Numbers.		Act.	Total N°.	Total Amount.
Sir Jas. Shaw, B[t] -	3.	No. 8,271 @ 8,273	3 & 4 Vict. c. 106.		£
	4.	No. 8 300 @ 8,303			
	5.	No. 8,314 @ 8,318			
	10.	No. 8,354 @ 8,363			
	3.	No. 8,442 @ 8,444			
	9.	N°. 8,447 @ 8,455			
	1.	No. 8.456 - -			
	5.	No. 7,077 @ 7,081	4 19.	40	40,000
Messrs. Ransom & Co.	15.	No. 8,285 @ 8.299	3 & 4 Vict. 106.	21	21,000
	6.	No. 8,464 @ 8,469			
				61	£61,000

A SIMILAR STATEMENT of INSTRUMENTS reported by the Parties to the Comptroller General, Duplicates of which have been verified as genuine.

Name of Party.	Numbers.		Act.	Total N°.	Total Amount.
Commercial Bank of London.	5.	8,364 @ 8,368 -	3 & 4 Vict. c. 106.	10	£ 10,000
	4.	8,370 @ 8,373 -			
	1.	7,103 - - -	4 19.		
H. Darvill, for Z. Nash - -	1.	7.076 - - -	4 19.	2	2,000
	1.	7,082 - - -			
J. W. Scott -	1.	8,380 - - -	3 & 4 106.	2	2,000
	1.	7,056 - -	4 19.		
				14	£ 14,000

A STATEMENT of INSTRUMENTS purporting to be EXCHEQUER BILLS for £1,000 each, deposited at the TREASURY by MR. DE BERCHEM.

No. of Bills.	Numbers.	Amount.	Act.	
5.	8,309 to 8,313 (inclusive) -	£1,000 each -	3 & 4 Vict. c. 106.	
30.	8,324 to 8,353 - -			
1.	8,383 - - -			
1.	6,415 - - -			
1.	6,494 - - -			
10.	6,404 to 6,413 - -	£1,000 each -	4 Vict. c. 19.	
1.	6,433 - - -			
5.	6,460 to 6,464 - -			

CAP. XII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [22d *April* 1842.]

[*Number of Forces* 95,628. *This Act is the same, except as to Dates and the Sections here inserted, as 4 & 5 Vict. c. 2.*]

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her

Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Forfeiture of Pay and Pension by Desertion; and marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service.

Apprehension of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters, or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment.

Custody of Offenders under a Military Sentence.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment awarded by the Sentence of the Court, reckoned from the Date when the Proceedings of the Court-martial shall have been signed by the President; and the said Gaoler shall keep such Soldier in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, either for the whole Time specified in the said Order, or for any Part thereof; and such Gaoler shall deliver up such Prisoner at any Period of his Imprisonment to the Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid, either for his Discharge, or in order that the Prisoner may be removed in Military Custody, to undergo the Remainder of his Sentence, to such other Gaol or Military Prison or other Place

Place of Confinement as such Commanding Officer may direct, provided that the Time of Imprisonment on Removal from one Gaol to another, or while in Custody for any intermediate Period, shall be reckoned as Part of the original Period of Imprisonment for which such Soldier shall have been sentenced; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Gaoler or Keeper of any Prison or Lock-up House shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Troops or Detachment to which the Soldier belongs; and any Gaoler or Keeper of any Place of Imprisonment, who shall refuse to receive and to confine or to deliver up any Soldier in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit; and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall within Four Days (any intervening *Sunday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Allowance to Innkeepers.

LV. And be it enacted, That the Innholder or other Person on whom any Soldier is billetted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billetted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billetted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the Average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such

such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure make up the Account with every Person upon whom such Soldier may have been billetted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of Terms.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billetting; and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets.

Tolls.

LXII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service when conveying Persons or Baggage under the Provisions of this Act, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs, and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand _____ Signature of Recruit.

_____ Witness present.

Sworn before me at this Day of One } housand eight hundred and at o'Clock. }

Signature of Justice _____

If

If enlisting for either Her Majesty's or the East India *Company's Service, the following Addition is to be made to the foregoing Oath:*

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India* Company, then I swear, that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India *Company's Service, the following is to be added to the Oath:*

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

No.

DESCRIPTION RETURN of the Day of committed to Confinement at as a Deserter from the Regiment of on

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
† Name and Occupation and Address of the Person by whom apprehended	
† Particulars in the Evidence on which the Prisoner is committed	
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	
† Whether the Prisoner confessed before the Magistrate that he is a Deserter	

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

CAP. XIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[22d *April* 1842.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 4 & 5 *Vict. c.* 3.]

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian* Colonies excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies), shall have not less than Seven, and in *Saint Helena*, *Africa*, *Honduras*, and the *Australian* Colonies not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantange as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the aforegoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Marking a Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-

Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Marine convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service.

Imprisonment of Offenders.

XX. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Marine under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Commanding Officer of the Division to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment awarded by the Sentence of the Court, reckoned from the Date when the Proceedings of the Court-martial shall have been signed by the President; and the said Gaoler shall keep such Marine in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, either for the whole Time specified in the said Order, or for any Part thereof; and such Gaoler shall deliver up such Prisoner, at any Period of his Imprisonment, to the Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid, either for his Discharge, or in order that the Prisoner may be removed in Military Custody, to undergo the Remainder of his Sentence, to such other Gaol or Military Prison or other Place of Confinement as such Commanding Officer may direct, provided that the Time of Imprisonment, on Removal from one Gaol to another, or while in Custody for any intermediate Period, shall be reckoned as Part of the original Period of Imprisonment for which such Marine shall have been sentenced; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Gaoler or Keeper of any Prison or Lock-up House shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Detachment to which the Marine belongs; and any Gaoler or Keeper of any Place of Imprisonment, who shall refuse to receive and to confine or to deliver up any Marine in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Apprehension of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient Public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps, instead of committing him to Prison: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

Enlisting and swearing of Recruits.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a

Marine he shall within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Allowance to Innkeepers.

XLIX. And be it enacted, That the Innholder or other Person on whom any Marine is billetted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billetted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billetted, in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billetted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billetted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant to order Payment of the Amount which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billetted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

Exemption from Tolls.

LII. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Recruits marching by Route, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One

Half

Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Penalty for purchasing Clothes, &c. from any Marine.

LV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall, for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Definition of Terms.

LXIV. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billetting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billetted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billetted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Marines not to be billetted in private Houses, &c.

Notification to Parishes of good or bad Conduct of Marines.

LXV. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Marines to be *subject to the Discipline of* the Navy while on board Ship.

LXVI. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and

Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

FORM OF OATH OF JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or Lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed first to ascertain that Twenty-four Hours have elapsed since the Enlistment took place, and in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand

_____ Signature of the Recruit.

___ ___ Witness present.

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

_____ Signature of the Justice.

DESCRIPTION

DESCRIPTION RETURN of the Day of committed to Confinement at as a Deserter from the Royal Marines. on

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
† Name and Occupation and Address of the Person by whom apprehended	
† Particulars in the Evidence on which the Prisoner is committed	
† Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	
† Whether the Prisoner confessed before the Magistrate that he is a Deserter	

† It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate, in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

——————— *Signature and Address of Magistrate.*
——————— *Signature of Prisoner.*
——————— *Signature of Informant.*

* Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him * for Military Service.

——————— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

* Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

CAP. XIV.

An Act to amend the Laws for the Importation of Corn. [29th *April* 1842.]

'WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to the Importation of Corn:* And whereas 9 G. 4. c. 60.
'it is expedient that the said Act should be repealed, and that new Provisions should be made in lieu thereof;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed: Provided nevertheless, that all Acts or Parts of Acts which by virtue of the above-recited Act were repealed shall still be deemed and taken to be and remain repealed. Recited Act repealed.

II. 'And whereas it is expedient that Corn, Grain, Meal, and Flour, the Growth, Produce, and Manufacture of any Foreign Country, or of any *British* Possession out of *Europe*, should be allowed to be imported into the United Kingdom for Consumption, upon the Payment of Duties to be regulated from Time to Time according to the average Price of *British* Corn made up and published in manner herein-after required;' be it therefore enacted, That from and after the passing of this Act there shall be levied and paid to Her Majesty, upon all Corn, Grain, Meal, or Flour entered for Home Consumption in the United Kingdom from Parts beyond the Seas, the several Duties specified and set forth in the Table annexed to this Act; and that the said Duties shall be raised, levied, collected, and paid in such and Corn, &c. may be imported from Foreign Countries, and from the British Possessions out of Europe, on Payment of the Duties specified in the

Table to this Act.

and the same Manner in all respects as the several Duties of Customs mentioned and enumerated in the Table of Duties of Customs Inwards annexed to an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*, herein-after referred to as the Customs Duties Act, and by virtue and in pursuance of the several Powers and Provisions in that Act contained, and in the Acts amending the same, and not otherwise.

3&4W. 4. c. 56.

Repeal of 5&6W. 4. c. 13. imposing the same Duties on the Importation of Foreign Corn into the Isle of Man as into the United Kingdom, under 9 G. 4. c. 60.

III. 'And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of 'His late Majesty King *William* the Fourth, intituled *An Act to regulate the Importation of Corn into the* 'Isle of Man, it was enacted, that it should not be lawful to import into the *Isle of Man* any Foreign Corn, 'Grain, Meal, or Flour, except upon Payment of the same Duties as were by the said recited Act of the 'Ninth Year of His late Majesty King *George* the Fourth made payable on the Importation into the 'United Kingdom of Corn, Grain, Meal, or Flour, which Duties were by the said Act now in recital directed 'to be ascertained, levied, and paid as therein is mentioned: And whereas it is expedient that the Duties 'payable on Foreign Corn, Grain, Meal, or Flour imported into the *Isle of Man* should be the same as 'those payable on the Importation of Foreign Corn, Grain, Meal, or Flour into the United Kingdom, 'and that for this Purpose the said recited Act for regulating the Importation of Corn into the *Isle of* '*Man* should be repealed, and such Provision should be made in that Behalf as herein-after is contained;' be it therefore enacted, That the said recited Act regulating the Importation of Corn into the *Isle of Man* shall be and the same is hereby repealed; and that from and after the passing of this Act it shall not be lawful to import into the *Isle of Man* any Foreign Corn, Grain, Meal, or Flour, except upon Payment of the same Duties as are by this Act made payable upon Corn, Grain, Meal, or Flour imported from any Foreign Country, and entered for Home Consumption in the United Kingdom; and such Duties shall be levied, collected, and paid in such and the same Manner as if the same had been imposed by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Trade with the* Isle of Man.

Foreign Corn imported into the Isle of Man to pay the same Duties as if imported into the United Kingdom.

3&4W. 4. c. 60.

Actions, &c. for Breach of Acts repealed, or for Duties, may be proceeded with.

IV. Provided always, and be it enacted, That all Actions, Suits, and Prosecutions now depending or hereafter to be brought, for or by reason of any Breach or Non-performance of any of the Provisions of the said Acts hereby repealed, or either of them, or for the Recovery of any Duties or Sums of Money payable under or by virtue of the same Acts or either of them, shall and may be proceeded with as fully and effectually to all Intents and Purposes as if this present Act had not been made.

Regulations to be observed on shipping Corn from any British Possession out of Europe.

V. Provided always, and be it enacted, That no Corn, Grain, Meal, or Flour shall be shipped from any Port in any *British* Possession out of *Europe* as being the Produce of any such Possession until the Owner or Proprietor or Shipper thereof shall have made and subscribed, before the Collector or other Chief Officer of Customs at the Port of Shipment, a Declaration in Writing, specifying the Quantity of each Sort of such Corn, Grain, Meal, or Flour, and that the same was the Produce of some *British* Possession out of *Europe* to be named in such Declaration, nor until such Owner or Proprietor or Shipper shall have obtained from the Collector or other Chief Officer of the Customs of the said Port a Certificate, under his Signature, of the Quantity of Corn, Grain, Meal, or Flour so declared to be shipped; and before any Corn, Grain, Meal, or Flour shall be entered at any Port or Place in the United Kingdom as being the Produce of any *British* Possession out of *Europe* the Master of the Ship importing the same shall produce and deliver to the Collector or other Chief Officer of Customs of the Port or Place of Importation a Copy of such Declaration, certified to be a true and accurate Copy thereof, under the Hand of the Collector and other Chief Officer of Customs at the Port of Shipment before whom the same was made, together with the Certificate, signed by the said Collector or other Chief Officer of Customs, of the Quantity of Corn so declared to be shipped; and such Master shall also make and subscribe, before the Collector or other Chief Officer of Customs at the Port or Place of Importation, a Declaration in Writing, that the several Quantities of Corn, Grain, Meal, or Flour on board such Ship, and proposed to be entered under the Authority of such Declaration, are the same that were mentioned and referred to in the Declaration and Certificate produced by him, without any Admixture or Addition; and if any Person shall in any such Declaration wilfully and corruptly make any false Statement respecting the Place of which any such Corn, Grain, Meal, or Flour was the Produce, or respecting the Identity of any such Corn, Grain, Meal, or Flour, such Person shall forfeit and become liable to pay to Her Majesty the Sum of One hundred Pounds, and the Corn, Grain, Meal, or Flour to such Person belonging on board any such Ship shall also be forfeited; and such Forfeiture shall and may be sued for, prosecuted, recovered, and applied in such and the same Manner in all respects as any Forfeiture incurred under and by virtue of the said Customs Duties Act.

Prohibition of Importation of Malt.

VI. Provided always, and be it enacted, That it shall not be lawful to import from Parts beyond the Seas into the United Kingdom, for Consumption there, any Malt, or any Corn ground, except Wheat Meal, Wheat Flour, and Oatmeal; and that if any such Article as aforesaid shall be imported contrary to this Provision the same shall be forfeited; and such Forfeitures shall and may be sued for, prosecuted, recovered, and applied in such and the same Manner in all respects as any Forfeiture incurred under and by virtue of the said Customs Duties Act.

Accounts of Corn imported, of Corn upon which Duty is paid, of the Rates of Duty,

VII. Provided always, and be it enacted, That the Commissioners of Her Majesty's Customs shall once in each Calendar Month cause to be published in the *London Gazette* an Account of the total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively, which shall have been imported into the United Kingdom, and also an Account of the total Quantity of each Sort of the Corn, Grain, Meal, and Flour respectively upon which the Duties of Importation shall have been paid in the United Kingdom during

during the Calendar Month next preceding, and of the several Rates of Duty which shall from Time to Time during such Month have been payable upon each Sort of Corn, Grain, Meal, and Flour respectively, together with an Account of the total Quantity of each Sort of the said Corn, Grain, Meal, and Flour respectively remaining in Warehouse at the End of such next preceding Calendar Month.

and of Corn in Warehouse, to be published monthly.

VIII. Provided always, and be it enacted, That if it shall be made to appear to Her Majesty in Council that any Foreign State or Power hath subjected *British* Vessels at any Port within the Dominions of such State or Power to any other or higher Duties or Charges whatever than are levied on national Vessels at any such Port, or hath subjected at any such Port Goods the Growth, Produce, or Manufacture of any of Her Majesty's Dominions, when imported from any of such Dominions in *British* Vessels, to any other or higher Duties or Charges whatever than are levied on such or the like Goods, of whatever Growth, Produce, or Manufacture, when so imported in national Vessels, or hath subjected, at any Port or Place within the Dominions of such Foreign State or Power, any Article of the Growth, Produce, or Manufacture of Her Majesty's Dominions, when imported from any of such Dominions in *British* Vessels or in national Vessels, to any Duties or Charges which would not be payable on the like Article being of the Growth, Produce, or Manufacture of any other Country, and imported from such other Country in national Vessels; or that any such Foreign State or Power hath granted any Bounties, Drawbacks, or Allowances upon the Exportation from any Port or Place within the Dominions thereof of any Articles the Growth, Produce, or Manufacture of the Dominions of any other Foreign State or Power, which hath not also been granted upon the Exportation from such Port or Place of such or the like Articles being the Growth, Produce, or Manufacture of Her Majesty's Dominions; then and in any of the Cases aforesaid it shall and may be lawful for Her Majesty, by any Order or Orders to be by Her made, with the Advice of Her Privy Council, to prohibit the Importation of all or of any Sort of Corn, Grain, Meal, or Flour from the Dominions of any such Foreign State or Power; and it shall also be lawful for Her Majesty from Time to Time, with the Advice of Her Privy Council, to revoke and to renew any such Orders or Order as aforesaid, as there shall be Occasion.

If any Foreign State shall subject British Vessels, Goods, &c. to any higher Duties or Charges than are levied on the Vessels of other Countries, &c. Her Majesty may prohibit the Importation of Corn from such State.

IX. 'And whereas it is necessary, for regulating the Amount of such Duties, that effectual Provision 'should be made for ascertaining from Time to Time the average Prices of *British* Corn;' be it therefore enacted, That weekly Returns of the Purchases and Sales of *British* Corn shall be made, collected, and transmitted, in the Manner herein-after directed, in and from the Cities and Towns named in the Schedule of Cities and Towns annexed to this Act.

Weekly Returns of Purchases and Sales of Corn to be made in certain Places.

X. And be it enacted, That it shall be lawful for Her Majesty to appoint a fit and proper Person to be Comptroller of Corn Returns, for the Purposes herein-after mentioned, and to grant to such Comptroller of Corn Returns such Salary and Allowances as to Her Majesty shall seem meet: Provided always, that such Person shall be appointed to and shall hold such his Office during Her Majesty's Pleasure, and not otherwise, and shall at all Times conform to and obey such lawful Instructions touching the Execution of the Duties of such his Office as shall from Time to Time be given to him by the Lords of the Committee of Privy Council appointed for the Consideration of all Matters relating to Trade and Foreign Plantations.

Power of appointing a Comptroller of Corn Returns.

XI. And be it enacted, That the said Comptroller of Corn Returns shall at all Times execute the Duties of such his Office in Person, and not by Deputy; but that it shall be lawful for Her Majesty to appoint a fit and proper Person who shall act as Deputy Comptroller of Corn Returns, in case of the Sickness or other Incapacity of the said Comptroller, or in case he the said Comptroller should, with the Permission of the Lords of the said Committee of Privy Council, be absent from the Duties of such his Office; and all and every the Powers hereby vested in the said Comptroller of Corn Returns, and all and every the Acts, Matters, and Things hereby directed to be done and performed by him, shall be vested in and shall and may be done and performed by any such Deputy as aforesaid, during the Continuance of any such Sickness, Incapacity, or Absence as aforesaid of the said Comptroller of Corn Returns; and such Deputy shall hold such his Office during Her Majesty's Pleasure, and not otherwise, and shall receive and be paid such Salary and Allowances as to Her Majesty shall seem meet.

Comptroller to execute his Office in Person.

A Deputy may be appointed to act in certain Cases.

XII. And be it enacted, That it shall be lawful for the Lord Mayor and Aldermen of the City of *London*, at a Court to be holden for that Purpose, and they, or the Majority of them present at such Court, are hereby authorized and required, to nominate and appoint some fit and proper Person to be Inspector of Corn Returns for the City of *London*; and it shall be lawful for the said Lord Mayor and Aldermen, from Time to Time, as Occasion may require, upon any Misbehaviour or Neglect of Duty of any such Inspector, to remove him from such his Office, by any Order to be by them made at a Court to be specially convened and holden for that Purpose; and upon the Death, Resignation, permanent Incapacity, or Removal of any such Inspector of Corn Returns for the City of *London*, it shall be lawful for the said Lord Mayor and Aldermen, at a Court to be holden for that Purpose, and they, or a Majority of them present at any such Court, are hereby authorized and required to nominate and appoint some fit and proper Person to succeed to the said Office.

Lord Mayor, &c. to appoint an Inspector of Corn Returns for the City of London.

XIII. And be it enacted, That the said Inspector of Corn Returns for the City of *London* shall at all Times execute the Duties of such his Office in Person, and not by Deputy, but that in case of the Sickness or other temporary Incapacity of the said Inspector it shall be lawful for the said Lord Mayor and Aldermen of the City of *London* to appoint some fit and proper Person to act as the Deputy of the said Inspector during the Continuance of any such Sickness or Incapacity as aforesaid of that Officer, and no longer; and all and every the Powers hereby vested in the said Inspector of Corn Returns for the City of *London*, and all and every the Acts, Matters, and Things hereby directed to be done and performed by

Said Inspector to execute his Office in Person.

A Deputy may be appointed to act in certain Cases.

by him, shall and may be vested in and be done and performed by any such Deputy as aforesaid during the Continuance of such his Appointment.

Chancellors of the Universities of Oxford and Cambridge to appoint and remove Inspectors of Corn Returns for the said City and Town.

XIV. 'And whereas it is expedient that the Inspectors of Corn Returns for the City of *Oxford* and 'the Town of *Cambridge* respectively should, as heretofore, be appointed and removed by the Chancellors, 'Masters, and Scholars of the respective Universities of *Oxford* and *Cambridge*, and should perform, as 'heretofore, the Duties of their respective Offices, and that the Chancellors, Masters, and Scholars of 'the said respective Universities should have Power to suspend such Inspectors respectively as herein-after 'is mentioned;' be it therefore enacted, That the Chancellors, Masters, and Scholars of the Universities of *Oxford* and *Cambridge* respectively shall and they are hereby respectively authorized and required to nominate and appoint some fit and proper Person to be the Inspector of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, and it shall be lawful for the said Chancellors, Masters, and Scholars respectively, from Time to Time as Occasion may require, upon any Misbehaviour or Neglect of Duty of any such Inspector, or for any other good and sufficient Cause to them respectively appearing, to remove or suspend any such Inspector from his Office; and upon the Death, Resignation, Removal, or Suspension of any such Inspector of Corn Returns for the City of *Oxford* or Town of *Cambridge* it shall be lawful for the said respective Chancellors, Masters, and Scholars, and they are hereby authorized and required, respectively to nominate and appoint some fit and proper Person to succeed to the said Office vacant by such Death, Resignation, or Removal, or to hold the same during the Continuance of such Suspension (as the Case may be).

No Person dealing in Corn, Flour, or Malt to be appointed Inspector or Deputy Inspector of Corn Returns for the Cities of London or Oxford or Town of Cambridge.

XV. And be it enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector or Deputy Inspector of Corn Returns for the City of *London*, or to the Office of Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, who, within Six Months next preceding the Time of any such Appointment, shall have been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period shall, as a Merchant, Clerk, Agent, or otherwise, have bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Inspector or Deputy Inspector of Corn Returns for the City of *London*, or any Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, shall, during his Continuance in such his Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from such his Office, and from and after the Time of such Removal shall become incapable of acting as Inspector of Corn Returns under this Act.

Appointments of Inspectors for London, Oxford, and Cambridge to be enrolled.

XVI. And be it enacted, That every Nomination and Appointment so to be made as aforesaid of any Inspector of Corn Returns for the City of *London*, or of any Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, shall be enrolled at the next Sessions of the Peace to be holden in and for such City or Town; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for the said City of *London*, or under the Hand of the Town Clerk of the said City of *Oxford*, or of the Town Clerk of the said Town of *Cambridge*, as the Case may be, to be a true Copy, shall, for all Intents and Purposes, be and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Dealers in Corn in and near London to deliver in a Declaration to the Lord Mayor, &c.

XVII. And be it enacted, That every Person who shall carry on Trade or Business in the City of *London*, or within Five Miles from the Royal Exchange in the said City, as a Corn Factor, or as an Agent employed in the Sale of *British* Corn, and every Person who shall sell any *British* Corn within the present Corn Exchange in *Mark Lane* in the said City, or within any other Building or Place which now is or may hereafter be used within the City of *London*, or within Five Miles from the Royal Exchange in the said City, for such and the like Purposes for which the said Corn Exchange in *Mark Lane* hath been and is used, shall, before he or they shall carry on such Trade or Business, or sell any Corn in manner aforesaid, make and deliver to the Lord Mayor or One of the Aldermen of the City of *London* a Declaration in the following Words; (that is to say,)

Form of Declaration.

'I *A.B.* do declare, That the Returns to be by me made, conformably to an Act passed in the Fifth 'Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], 'of the Quantities and Prices of *British* Corn which henceforth shall be by or for me sold or delivered, 'shall, to the best of my Knowledge and Belief, contain the whole Quantity, and no more, of the Corn '*bonâ fide* sold and delivered by or for me within the Periods to which such Returns respectively shall 'refer, with the Prices of such Corn, and the Names of the Buyers respectively, and of the Persons for 'whom such Corn shall have been sold by me respectively, and to the best of my Judgment the said 'Return shall in all respects be conformable to the Provisions of the said Act.'

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same; and the Lord Mayor or such Alderman as aforesaid of the City of *London* for the Time being shall and he is hereby required to deliver a Certificate thereof, under his Hand, to the Inspector of Corn Returns for the City of *London*, to be by him registered in a Book to be by him provided and kept for that Purpose.

Dealers in Corn to make Returns to Corn Inspector.

XVIII. And be it enacted, That every such Corn Factor and other Person as aforesaid who is herein-before required to make and who shall have made such Declaration as aforesaid shall and he or she is hereby required to return or cause to be returned, on *Wednesday* in each and every Week, to the Inspector of Corn Returns for the City of *London*, an Account in Writing, signed with his or her own Name, or the Name of his or her Agent duly authorized in that Behalf, of the Quantities of each respective Sort of

British

British Corn by him or her sold during the Week ending on and including the next preceding *Tuesday*, with the Prices thereof, and the Amount of every Parcel, with the total Quantity and Value of each Sort of Corn, and by what Measure or Weight the same was sold, and the Names of the Buyers thereof, and of the Persons for and on behalf of whom such Corn was sold; and it shall be lawful for any such Inspector of Corn Returns to deliver to any Person making or tendering any such Returns a Notice in Writing requiring him or her to declare and set forth therein where and by whom and in what Manner any such *British* Corn was delivered to the Purchaser or Purchasers thereof; and every Person to whom any such Notice shall be so delivered shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate Statement in Writing, the several Particulars aforesaid.

The present Comptroller, Deputy Comptroller, and Inspectors of Corn Returns for London, Oxford, and Cambridge to continue in Office.

XIX. And be it enacted, That the Comptroller and Deputy Comptroller of Corn Returns, and the Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge* respectively, who at or immediately before the passing of this Act shall respectively hold such Offices or Appointments under and by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall and they are hereby authorized and required respectively, without further Appointment, to hold and forthwith to act in such their Offices or Appointments under and by virtue of this present Act, and to discharge the several Duties of and belonging to such their former Offices or Appointments, in such and the same Manner, and as fully and effectually, to all Intents and Purposes, as if they had been respectively appointed to such their Offices or Appointments as aforesaid under and by virtue of this present Act; and each and every Inspector of Corn Returns for any City or Town, other than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, who at or immediately before the passing of this Act shall hold such Office or Appointment under or by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall and they are hereby respectively authorized to continue to hold their respective Offices or Appointments until the Twenty-fourth Day of *June* next after the passing of this Act, and are hereby authorized and required to perform the several Duties herein-after assigned to them: Provided nevertheless, that, except so far as respects the Inspector of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, and such other Inspectors of Corn Returns as shall be continued in Office by virtue of the Warrant of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, as herein-after is provided, the Office or Appointment of every Inspector of Corn Returns, who at or immediately before the passing of this Act shall hold such Office or Appointment, shall on the said Twenty-fourth Day of *June* next after the passing of this Act cease and determine.

The Appointments of the other Inspectors of Returns to cease on the 24th Day of June next after the passing of this Act.

In other Cities and Towns than London, Oxford, and Cambridge, Officers of Excise to act as Corn Inspectors, and attend at Places appointed.

XX. And be it enacted, That in the several Cities and Towns enumerated in the said Schedule hereunto annexed, except the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, and except the Cities or Towns in which the Inspectors of Corn Returns, appointed under or by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall for the Time being continue to hold their respective Offices under the Provisions of this Act, the Duties of Inspector of Corn Returns shall be performed as herein-after is mentioned by the Officers of Excise, under the Orders and Directions of the Commissioners of Excise; and in order thereto, the Commissioners of Excise shall cause a fit and convenient Place to be appointed, such Place to be varied from Time to Time as the said Commissioners may see Occasion, at which the Accounts by this Act required to be returned by Persons purchasing Corn within such Cities and Towns respectively shall be delivered, and shall cause an Officer of Excise to attend at such Place on the Days on which such Accounts are required to be returned, for the Purpose of receiving the same; and every Officer of Excise attending at such Place and receiving such Returns shall be deemed and taken to be an Inspector of Corn Returns under the Provisions of this Act.

Commissioners of Excise to make known the Place to be appointed for delivering Returns of Corn purchased.

XXI. And be it enacted, That the Commissioners of Excise shall, as soon as such Place for receiving such Returns shall have been fixed and appointed in any such City or Town as aforesaid, cause the same to be made known by Advertisement in the *London Gazette* and in some Newspaper circulating within the City or Town, and shall also cause a Board to be affixed in the Market House, or, if there shall be no Market House, in some conspicuous Place near to the Place where the Corn Market is usually held in such City or Town, setting forth the Place at which such Accounts of Corn bought within the City or Town are to be delivered; and any Person who shall wilfully and maliciously remove, deface, obliterate, or injure any such Board, or the Writing thereon, or any Part thereof, shall for each such his Offence forfeit and pay a Sum not exceeding Five Pounds.

Inspectors of Corn Returns may continue to hold their Offices by Warrant of the Commissioners of the Treasury.

XXII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, by any Warrant or Warrants under the Hands of them or any Three or more of them, to be signed before the Twenty-fourth Day of *June* next after the passing of this Act, to order and direct that the Person who at or immediately before the Time of the passing of this Act shall hold the Office of Inspector of Corn Returns in any City or Town named in such Order, other than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, under or by virtue of the said recited Act of the Ninth Year of His late Majesty King *George* the Fourth, shall continue to hold such Office, and such Person shall accordingly be Inspector of Corn Returns for such City or Town under this Act, until he shall die or resign, or until the Determination of his Office or Appointment as herein-after is mentioned, and shall, as respects the City or Town for which he is so continued as Inspector, perform, under the Orders and Directions of the Commissioners of Excise, the Duties assigned to him by this Act; and it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them,

by any Warrant under the Hands of them, or any Three or more of them, to direct that, at any Time to be named in such Warrant, the Office or Appointment of any such Inspector of Corn Returns, so continued in Office by any such previous Warrant as aforesaid, shall cease and determine, and the Office or Appointment of such Inspector shall cease and determine accordingly; and in case of the Death, Resignation, or Determination of Office of any such Inspector of Corn Returns so continued in Office in any City or Town by such previous Warrant as aforesaid, the Duties of Inspector of Corn Returns for such City or Town shall thenceforth be performed by the Officers of Excise, as herein-before is mentioned.

Dealers in Corn in Cities and Towns to make Declaration.

XXIII. And be it enacted, That every Person who shall deal in *British* Corn at or within any City or Town named in the said Schedule hereunto annexed, other than the City of *London*, or who shall at or within any such City or Town engage in or carry on the Trade or Business of a Corn Factor, Miller, Maltster, Brewer, or Distiller, or who shall be the Owner or Proprietor, or Part Owner or Proprietor, of any Stage Coaches, Waggons, Carts, or other Carriages carrying Goods or Passengers for Hire to and from any such City or Town, and each and every Person who, as a Merchant, Clerk, Agent, or otherwise, shall purchase at any such City or Town any *British* Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, shall, before he or she shall so deal in *British* Corn at any such City or Town, or shall engage in or carry on any such Trade or Business as aforesaid, or shall purchase any *British* Corn for any such Purpose as aforesaid, at or within any such City or Town, make and deliver, in manner herein-after mentioned, a Declaration in the following Words; (that is to say,)

Form of Declaration.

'I *A.B.* do declare, That the Returns to be by me made, conformably to the Act passed in the Fifth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act,*] of the Quantities and Prices of *British* Corn which henceforward shall by or for me be bought, shall, to the best of my Knowledge and Belief, contain the whole Quantity, and no more, of the *British* Corn *bonâ fide* bought for or by me within the Periods to which such Returns respectively shall refer, with the Prices of such Corn, and the Names of the Sellers respectively, and to the best of my Judgment the said Returns shall in all respects be conformable to the Provisions of the said Act.'

Declaration to be delivered to the Mayor, &c., who shall give a Certificate to the Excise Inspector of Corn Returns.

Which Declaration shall be in Writing, and shall be subscribed with the Hand of the Person so making the same, and shall by him or her, or by his or her Agent, be delivered to the Mayor or Chief Magistrate or to some Justice of the Peace for such City or Town, or for the County, Riding, or Division in which the same is situate, who are hereby required to deliver a Certificate thereof to the Officer of Excise acting as Inspector of Corn Returns for such City or Town as aforesaid, or to such continuing Inspector of Corn Returns as aforesaid for such City or Town (as the Case may be), to be by such Officer or Inspector registered in a Book to be by him provided and kept for that Purpose.

Inspectors of Corn Returns empowered to require such Declaration from Corn Dealers.

XXIV. And be it enacted, That it shall be lawful for the Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge* respectively, and for any Officer of Excise acting as Inspector of Corn Returns in any such other City or Town as aforesaid, or for any continuing Inspector of Corn Returns in any such other City or Town as aforesaid, to serve upon and deliver to any Person buying or selling Corn in any such City or Town, and who is not within the Terms and Meaning of this present Act specially required to make any such Declaration as aforesaid, a Notice in Writing under the Hand of such Inspector or Officer, requiring him to make such Declaration as aforesaid; and every such Person upon whom such Notice shall be served as aforesaid shall and he is hereby required to comply with such Notice, and to make such Declaration, in such and the same Manner in all respects as if he or she had been specially required to make the same by the express Provisions of this present Act.

Corn Dealers to make Returns in Writing to Inspectors of the Corn bought by them.

XXV. And be it enacted, That all Persons who are herein-before required to make and who shall have made such Declaration as aforesaid, shall and they are hereby required, on the first Market Day which shall be holden in each and every Week within each and every City or Town named in the said Schedule hereunto annexed, except the City of *London*, at or within which they shall respectively deal in Corn, or engage in or carry on any such Trade or Business as aforesaid, or purchase any Corn for any such Purpose as aforesaid, to return or cause to be returned to the Officer of Excise acting as Inspector of Corn Returns for such City or Town, at the Place appointed for receiving such Returns, or to the continuing Inspector of Corn Returns for such City or Town, or to the Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, (as the Case may be,) an Account in Writing, signed with their Names respectively, of the Amount of each and every Parcel of each respective Sort of *British* Corn so by them respectively bought during the Week ending on and including the Day next preceding such first Market Day as aforesaid, with the Price thereof, and by what Weight or Measure the same was so bought by them, with the Names of the Sellers of each of the said Parcels respectively, with the Names of the Person or Persons, if any, other than the Person making such Return, for or on account of whom the same was so bought and sold; and it shall be lawful for any such Officer of Excise acting as Inspector of Corn Returns, or any such continuing Inspector of Corn Returns as aforesaid, to deliver to any Person making or tendering any such Return a Notice in Writing requiring him or her to declare and set forth where and by whom and in what Manner any such *British* Corn was delivered to him or her; and every Person to whom any such Notice shall be so delivered shall and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate Statement in Writing, the several Particulars aforesaid.

XXVI. And

Inspectors to enter Returns made to them in a Book, and transmit to the Comptroller weekly an Account of the Quantities and Prices of Corn sold.

XXVI. And be it enacted, That the Inspector of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, and every Officer of Excise acting as Inspector of Corn Returns for the several other Cities and Towns aforesaid, and every such continuing Inspector of Corn Returns for any of such other Cities or Towns as aforesaid, shall duly and regularly enter in a Book, to be by him provided and kept for that Purpose, the several Accounts of the Quantities and Prices of Corn returned to him by such Persons respectively as aforesaid; and every such Inspector of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, and every Officer of Excise acting as Inspector of Corn Returns, and every such continuing Inspector of Corn Returns as aforesaid, for any of the several other Cities and Towns enumerated in the said Schedule, shall in each and every Week return to the Comptroller of Corn Returns an Account of the weekly Quantities and Prices of the several Sorts of *British* Corn sold in the City of *London*, or in the City or Town for which he shall be or act as Inspector, according to the Returns so made to him as aforesaid, and in such Form as shall be from Time to Time prescribed and directed by the said Comptroller of Corn Returns; and the said Returns shall be so made to the said Comptroller by the Inspector of Corn Returns for the City of *London* on *Friday* in each Week, and by the respective Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge*, and by the respective Officers of Excise acting as Inspectors of Corn Returns, and by the respective continuing Inspectors of Corn Returns, for the several other Cities and Towns aforesaid, within Three Days next after the First Market Day holden in each and every Week in any such City or Town.

Inspectors not to include Returns until they have ascertained that the Persons making them have taken the Declaration required.

XXVII. And be it enacted, That no Inspector of Corn Returns in the City of *London*, the City of *Oxford*, or the Town of *Cambridge*, nor any Officer of Excise acting as Inspector of Corn Returns in any other of the Cities or Towns aforesaid, nor any such continuing Inspector of Corn Returns in any of such other Cities or Towns as aforesaid, shall include in the Return so to be made by them as aforesaid to the Comptroller of Corn Returns any Account of Sales or Purchases of Corn, unless such Inspector or Officer shall have received satisfactory Proof that the Person tendering such Account hath made the Declaration herein-before required, and hath delivered the same to the Lord Mayor or an Alderman of the City of *London*, Mayor or Chief Magistrate or to some Justice of the Peace of the City or Town for which such Officer or Inspector shall be acting as Inspector of Corn Returns, or to some Justice of the Peace for the County, Riding, or Division in which such City or Town is situate, or that such Person hath previously to the passing of this Act made and duly delivered the Declaration required of him by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth.

Average Prices to be made up and published every Week.

XXVIII. And be it enacted, That the average Prices of all *British* Corn, by which the Rate and Amount of the said Duties shall be regulated, shall be made up and computed on *Thursday* in each and every Week, in manner following; (that is to say,) the said Comptroller of Corn Returns shall on such *Thursday* in each Week, from such Returns as shall be received by him during the Week next preceding, ending on and including the *Saturday* in such preceding Week, add together the total Quantities of each Sort of *British* Corn respectively appearing by such Returns to have been sold, and the total Prices for which the same shall thereby appear to have been sold, and shall divide the Amount of such total Prices respectively by the Amount of such total Quantities of each Sort of *British* Corn respectively, and the Sum produced thereby shall be added to the Sums in like Manner produced in the Five Weeks immediately preceding the same, and the Amount of such Sums so added shall be divided by Six, and the Sum thereby given shall be deemed and taken to be the aggregate average Price of each such Sort of *British* Corn respectively, for the Purpose of regulating and ascertaining the Rate and Amount of the said Duties; and the said Comptroller of Corn Returns shall cause such aggregate weekly Averages to be published in the next succeeding Gazette, and shall on *Thursday* in each Week transmit a Certificate of such aggregate average Prices of each Sort of *British* Corn to the Collector or other Chief Officer of the Customs at each of the several Ports of the United Kingdom, and to the Collector or other Chief Officer of the Customs at the Port of *Douglas* in the *Isle of Man*; and the Rate and Amount of the Duties to be paid under the Provisions of this Act shall from Time to Time be regulated and governed at each of the Ports of the United Kingdom respectively by the aggregate average Prices of *British* Corn at the Time of the Entry for Home Consumption of any Corn, Grain, Meal, or Flour chargeable with any such Duty, as such aggregate average Prices shall appear and be stated in the last of such Certificates as aforesaid, which shall have been received as aforesaid by the Collector or other Chief Officer of Customs at such Port; and the Rate and Amount of the Duties to be paid under the Provisions of this Act shall from Time to Time be regulated and governed in the *Isle of Man* by the aggregate average Prices of *British* Corn at the Time of the Importation into the *Isle of Man* of any Corn, Grain, Meal, or Flour chargeable with any such Duty, as such aggregate average Prices shall appear and be stated in the last of such Certificates as aforesaid which shall have been received as aforesaid by the Collector or other Chief Officer of Customs at the Port of *Douglas*.

Averages to be transmitted to the Chief Officers of Customs.

Rate and Amount of Duties, how to be regulated.

How Quantities of Corn are to be computed.

XXIX. Provided always, and be it enacted, That in the Returns so to be made as aforesaid to the Comptroller of Corn Returns, and in the Publications so to be made from Time to Time in the *London Gazette*, and in the Certificate so to be transmitted by the said Comptroller of Corn Returns to such Collectors or other Chief Officers of the Customs as aforesaid, the Quantities of each Sort of *British* Corn respectively shall be computed and set forth by, according, and with reference to the Imperial Standard Gallon, as the same is declared and established by a certain Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of* 5 G. 4. c. 74.

Weights and Measures, as the said Act is amended or altered by a certain other Act passed in the Sixth Year of His late Majesty King *George* the Fourth, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act*, and by a certain other Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty, relating to Weights and Measures; and to make other Provisions instead thereof.*

6 G. 4. c. 12.

5 & 6 W. 4. c. 63.

Until sufficient Number of Returns are made, Comptroller may use present Averages.

XXX. Provided always, and be it enacted, That until a sufficient Number of weekly Returns shall have been received by the said Comptroller of Corn Returns under this Act to afford such aggregate average Prices of *British* Corn as aforesaid, the weekly average Prices of *British* Corn published by him immediately before the passing of this Act shall by him be used and referred to in making such Calculations as aforesaid, in such and the same Manner as if the same had been made up and taken under and in pursuance of this Act.

What deemed British Corn.

XXXI. Provided always, and be it enacted, That all Corn or Grain the Produce of the United Kingdom shall be deemed and taken to be *British* Corn for the Purposes of this Act.

If any Corn Return is believed fraudulent, the same may be omitted in the Computation.

XXXII. Provided always, and be it enacted, That if the said Comptroller of Corn Returns shall at any Time see Cause to believe that any Return made to the Inspector of Corn Returns for the City of *London*, the City of *Oxford*, or the Town of *Cambridge*, or to any Officer of Excise acting as Inspector of Corn Returns, or any such continuing Inspector as aforesaid, for any other City or Town as aforesaid, is fraudulent or untrue, the said Comptroller shall and he is hereby required with all convenient Expedition to lay before the Lords of the said Committee of Privy Council a Statement of the Grounds of such his Belief; and if upon Consideration of any such Statement the said Lords of the said Committee shall direct the said Comptroller to omit any such Return in the Computation of such aggregate weekly average Price as aforesaid, then and in that Case, but not otherwise, the said Comptroller of Corn Returns shall be and he is hereby authorized to omit any such Return in the Computation of such aggregate weekly average Price.

Corn Dealers having made the Declaration previous to this Act shall transmit Returns, and comply with the Rules hereby required.

XXXIII. And be it enacted, That any Corn Factor, Dealer, or other Person who at or previously to the Time when this present Act shall come into operation shall have made the Declaration required of him in and by the said Act so passed as aforesaid in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall and he or she is hereby required forthwith to make all such Returns to the Inspectors for the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, and to the respective Officers of Excise acting as Inspectors of Corn Returns in the several other Cities and Towns aforesaid, at the respective Places appointed for receiving such Returns as aforesaid, or to such continuing Inspector of Corn Returns as aforesaid in any such other Cities or Towns, (as the Case may be,) and to perform and do all such Acts, Matters, and Things, and to comply with and observe all such Rules and Regulations, as are hereby required or directed of or in regard to Persons who have made any Declaration required of them in and by the present Act, although he or she may not have actually made such last-mentioned Declaration.

Comptroller to issue Directions respecting Inspection of Books of Inspectors.

Books not to be perused without such Directions.

XXXIV. And be it enacted, That the Comptroller of Corn Returns shall and he is hereby authorized from Time to Time, in pursuance of any Instructions which he shall receive in that Behalf from the Lords of the said Committee of Privy Council, to issue to the Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge* respectively, any general or special Directions respecting the Inspection by any Person or Persons of the Books so directed as aforesaid to be kept by such Inspector of Corn Returns; and no such Inspectors for the City of *London*, the City of *Oxford*, or the Town of *Cambridge* shall permit or suffer any Person to inspect any such Book, or to peruse or transcribe any Entry therein, except in compliance with some such general or special Directions from the said Comptroller of Corn Returns.

Copy of the last Return to be affixed on Market Place on each Market Day.

XXXV. And be it enacted, That the Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, and each and every Officer of Excise acting as Inspector of Corn Returns, and each and every such continuing Inspector of Corn Returns as aforesaid for any City or Town other than the City of *London*, shall and he is hereby required, on each and every Market Day, to put up or cause to be put up in the Market Place of the City or Town for which he shall act as Inspector, or if there shall be no Market Place in such City or Town then in some other conspicuous Place therein near to where the Corn Market is usually held, a Copy of the last Return made by him to the Comptroller of Corn Returns, omitting the Names of the Parties who may have sold and bought the said Corn; and every such Officer or Inspector shall also again put up such Account on the Market Day immediately following that on which it shall first have been put up, in case the same shall from Accident or any other Cause have been removed, and shall take due Care that the same shall remain up for public Inspection until a new Account for the ensuing Week shall have been prepared and set up.

Treasury to fix Salaries of Inspectors.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any Warrant or Warrants to be for that Purpose from Time to Time made and issued, to settle and allow such reasonable and moderate Salaries as shall be paid and payable to the said Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge* respectively, and to such continuing Inspectors of Corn Returns as aforesaid, for and in consideration of the Duties so to be performed by them: Provided always, that the Salary so to be allowed to the Inspector of Corn Returns for the City of *London* shall not in any One Year exceed the Sum of Three hundred Pounds, in consideration of which Salary he shall and is hereby required to keep and maintain a proper and convenient

Apartment

Apartment or Place of Business at or near to the said Corn Exchange in *Mark Lane*, for transacting the Duties of such his Office, and to defray all incidental Charges and Expences of and attendant upon such his Office: Provided also, that the Salary to be granted to the Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, and to any such continuing Inspector of Corn Returns as aforesaid for any other of the Cities or Towns aforesaid, shall not exceed Fifty Pounds in any One Year for such Inspector, or a proportionate Sum for any Period less than a Year.

Regulation as to Payment of Salaries.

XXXVII. And be it enacted, That the Salary aforesaid allowed to the Inspector of Corn Returns for the said City of *London* shall be paid quarterly by the Receiver General of the Customs or of the Excise in or for the City of *London*; and the Salaries which shall be allowed to the Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, or to any such continuing Inspectors of Corn Returns as aforesaid for any City or Town other than the City of *London*, shall, as regards those Persons whose Offices or Appointments are hereby continued until the said Twenty-fourth Day of *June* next after the passing of this Act, and are then to cease, be paid to them up to that Day, and as regards the Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, and those Persons who shall be continued in Office after the said Twenty-fourth Day of *June*, by virtue of the Warrant of the Commissioners of Her Majesty's Treasury, as herein-before is mentioned, shall be paid quarterly; and such Salaries shall be paid by the Collectors or other Chief Officers of the Customs or Excise in or for the Cities or Towns for which such continuing Inspectors as aforesaid shall be respectively acting; provided that no such Payment of Salary shall be made either to the Inspector of the Corn Returns for the City of *London*, or to any such continuing Inspector of Corn Returns as aforesaid, unless the Inspector of Corn Returns claiming the same shall first produce and deliver to the Receiver General or Collector of the Customs or Excise by whom the same is to be paid a Certificate under the Hand of the Comptroller of Corn Returns, certifying that such Inspector hath duly made the Returns required of him by this present Act, during the Period in respect of which any such Payment is to be made, and which Certificate such Comptroller is hereby required, on the Application of any such Inspector as aforesaid, to grant, unless any such Inspector shall, without good and sufficient Cause, have neglected or omitted to make such Returns as aforesaid, or some of them: Provided also, that if the Duties of the said Office of Inspector of Corn Returns for the City of *London* shall during any such Quarter of a Year as aforesaid have been discharged wholly or in part by a Deputy, the Comptroller of Corn Returns shall in such Certificate as aforesaid specify the Length of Time during which such Deputy hath so acted, and the whole or a proportionate Part, as the Case may be, of any such quarterly Payment, shall in that Case be paid to the said Deputy.

Power to the Lords of the Treasury to grant Compensation to Inspectors of Corn Returns.

XXXVIII. 'And whereas the Persons who at the Time of the passing of this Act respectively hold the 'Offices or Appointments of Inspectors of Corn Returns in any of the Cities or Towns aforesaid, other 'than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, will, by reason of the Deter- 'mination of their respective Offices and Appointments under the Provisions of this Act, cease to receive 'the Salaries attached thereto, and it may be reasonable and fit that Compensation should be made to 'such Persons;' be it therefore enacted, That it shall be lawful for any Three or more of the Commissioners of Her Majesty's Treasury for the Time being, by Warrant under their Hands, to order and direct that such annual Compensation or Allowance, not exceeding in any Case the annual Salary of the Office in respect of which such Compensation or Allowance is granted, as to them in their Discretion shall seem just and reasonable, having due Regard to the Length of Service and Conduct of the Parties, shall be made to the several Persons who at or immediately before the Time of the passing of this Act shall respectively hold Offices or Appointments of Inspectors of Corn Returns for any of the Cities or Towns aforesaid, other than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, for any Loss of Salary attached to such Offices or Appointments which they may respectively sustain by reason of the Determination of their respective Offices or Appointments by the Provisions of this Act; and such Compensation or Allowance shall be issued and paid to the Party to whom such Compensation shall be made, at such Times and in such Manner as in such Warrant shall be directed, by the Collector or the Chief Officer of the Customs or of the Excise in or for the City or Town for which such Party shall hold the Office of Inspector of Corn Returns at the Time of the passing of this Act: Provided always, that an Account of such Compensations shall, within Fourteen Days next after the same shall have been so granted, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall then not be assembled, then within Fourteen Days after the Meeting of Parliament next following.

Penalty on Corn Dealers for not making Declarations or Returns.

XXXIX. And be it enacted, That if any Person who is hereby required to make and deliver the Declaration or Declarations herein-before particularly mentioned and set forth, or either of them, shall not make and deliver such Declaration or Declarations at the Time and in the Form and Manner and to the Person or Persons herein-before directed and prescribed in that Behalf, every Person so offending shall forfeit and pay a Sum not exceeding Twenty Pounds for each and every Calendar Month during which he shall neglect or delay to make and deliver any such Declaration; and if any Person who is herein-before required to make any Return to the Inspector of Corn Returns for the City of *London*, or the City of *Oxford*, or the Town of *Cambridge*, or to any Officer of Excise acting as Inspector as aforesaid, or to any such continuing Inspector of Corn Returns as aforesaid, shall not make such Returns to such Inspector or Officer at the Time and in the Form and Manner herein-before directed and prescribed, every such Offender shall for such his Offence forfeit and pay a Sum not exceeding Twenty Pounds.

XL. And

Recovery and Application of Penalties.

XL. And be it enacted, That all and every the Penalties aforesaid shall and may be prosecuted, sued for, and recovered, by and to the Use of any Person who will sue for the same, before any Two Justices of the Peace acting in and for the City, Town, County, Riding, or Division within which the Offence shall have been committed; and upon Conviction of any such Offender before any such Justices of the Peace, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), the Amount of such Penalties and Forfeitures shall be levied, together with the Costs attending the Information and Conviction, to be assessed and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, Town, County, Riding, or Division where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Penalty on Witnesses not attending when required.

XLI. And be it enacted, That if any Person who shall be summoned as a Witness to give Evidence before any Justices of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or of the Person or Persons accused, shall, after a reasonable Sum of Money for his or her Charges and Expences shall have been paid or been tendered to him or her, refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Neglect, or appearing shall refuse to be examined on Oath and give Evidence before such Justices of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds, to be recovered in the Manner herein-before provided for the Recovery of the several Penalties aforesaid.

Punishment for making false Returns.

XLII. And be it enacted, That if any Person shall make any false and fraudulent Statement in any such Return as he is herein-before directed and required to make, or shall falsely and wilfully include, or procure or cause to be included, in any such Return, any *British* Corn which was not truly and *bonâ fide* sold or bought to, by, or on behalf of the Person or Persons in any such Return mentioned in that Behalf, in the Quantity and for the Price therein stated and set forth, every such Offender shall be and be deemed guilty of a Misdemeanor.

Act not to affect the Practice of measuring or Privileges of the City of London.

XLIII. And be it enacted, That nothing in this Act contained shall extend to alter the present Practice of measuring Corn, or any of the Articles aforesaid, to be shipped from or to be landed in the Port of *London*, but that the same shall be measured by the Sworn Meters appointed for that Purpose, by whose Certificate the Searchers or other proper Officers of Her Majesty's Customs are hereby empowered and required to certify the Quantity of Corn or other Articles as aforesaid so shipped or landed; and that nothing in this Act contained shall extend to lessen or take away the Rights and Privileges of or the Tolls or Duties due and payable to the Mayor and Commonalty and Citizens of the City of *London*, or to the Mayor of the said City for the Time being, or to take away the Privileges of any Persons lawfully deriving Title from or under them.

Limitation of Actions.

XLIV. And be it enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing by him, her, or them done by virtue or in pursuance of this Act, such Action or Suit shall be commenced within Three Months next after the Matter or Thing done, and shall be laid in the proper County; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Actions, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against such Plaintiff or Plaintiffs.

Act may be amended, &c.

XLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

TABLE OF DUTIES to which this ACT refers.

If imported from any FOREIGN COUNTRY:

	£	s.	d.
WHEAT —			
——— Whenever the average Price of Wheat, made up and published in the Manner required by Law, shall be for every Quarter			
- - - under 51*s.*, the Duty shall be for every Quarter	1	0	0
- - - 51*s.* and under 52*s.*	0	19	0
- - - 52*s.* and under 55*s.*	0	18	0
- - - 55*s.* and under 56*s.*	0	17	0
- - - 56*s.* and under 57*s.*	0	16	0
- - - 57*s.* and under 58*s.*	0	15	0
- - - 58*s.* and under 59*s.*	0	14	0
- - - 59*s.* and under 60*s.*	0	13	0
- - - 60*s.* and under 61*s.*	0	12	0
- - - 61*s.* and under 62*s.*	0	11	0
- - - 62*s.* and under 63*s.*	0	10	0
- - - 63*s.* and under 64*s.*	0	9	0
- - - 64*s.* and under 65*s.*	0	8	0
- - - 65*s.* and under 66*s.*	0	7	0
- - - 66*s.* and under 69*s.*	0	6	0
- - - 69*s.* and under 70*s.*	0	5	0
- - - 70*s.* and under 71*s.*	0	4	0
- - - 71*s.* and under 72*s.*	0	3	0
- - - 72*s.* and under 73*s.*	0	2	0
- - - 73*s.* and upwards	0	1	0
BARLEY —			
——— Whenever the average Price of Barley, made up and published in the Manner required by Law, shall be for every Quarter			
- - - under 26*s.*, the Duty shall be for every Quarter	0	11	0
- - - 26*s.* and under 27*s.*	0	10	0
- - - 27*s.* and under 30*s.*	0	9	0
- - - 30*s.* and under 31*s.*	0	8	0
- - - 31*s.* and under 32*s.*	0	7	0
- - - 32*s.* and under 33*s.*	0	6	0
- - - 33*s.* and under 34*s.*	0	5	0
- - - 34*s.* and under 35*s.*	0	4	0
- - - 35*s.* and under 36*s.*	0	3	0
- - - 36*s.* and under 37*s.*	0	2	0
- - - 37*s.* and upwards	0	1	0
OATS —			
——— Whenever the average Price of Oats, made up and published in the Manner required by Law, shall be for every Quarter			
- - - under 19*s.*, the Duty shall be for every Quarter	0	8	0
- - - 19*s.* and under 20*s.*	0	7	0
- - - 20*s.* and under 23*s.*	0	6	0
- - - 23*s.* and under 24*s.*	0	5	0
- - - 24*s.* and under 25*s.*	0	4	0
- - - 25*s.* and under 26*s.*	0	3	0
- - - 26*s.* and under 27*s.*	0	2	0
- - - 27*s.* and upwards	0	1	0
RYE, PEASE, and BEANS —			
——— Whenever the average Price of Rye, or of Pease, or of Beans, made up and published in the Manner required by Law, shall be for every Quarter			
- - - under 30*s.*, the Duty shall be for every Quarter	0	11	6
- - - 30*s.* and under 33*s.*	0	10	6
- - - 33*s.* and under 34*s.*	0	9	6
- - - 34*s.* and under 35*s.*	0	8	6
- - - 35*s.* and under 36*s.*	0	7	6
- - - 36*s.* and under 37*s.*	0	6	6
- - - 37*s.* and under 38*s.*	0	5	6
- - - 38*s.* and under 39*s.*	0	4	6
- - - 39*s.* and under 40*s.*	0	3	6
- - - 40*s.* and under 41*s.*	0	2	6
- - - 41*s.* and under 42*s.*	0	1	6
- - - 42*s.* and upwards	0	1	0

If imported from any FOREIGN COUNTRY—*continued.*

WHEAT MEAL AND FLOUR—

——— For every Barrel, being One hundred and ninety-six Pounds,
A Duty equal in Amount to the Duty payable on Thirty-eight and a Half Gallons of Wheat.

OATMEAL —

——— For every Quantity of One hundred and eighty-one Pounds and a Half,
A Duty equal in Amount to the Duty payable on a Quarter of Oats.

MAIZE OR INDIAN CORN, BUCK WHEAT, BEAR OR BIGG —

——— For every Quarter,
A Duty equal in Amount to the Duty payable on a Quarter of Barley.

If the Produce of and imported from any BRITISH POSSESSION in NORTH AMERICA, or elsewhere out of Europe:

WHEAT—

—— Whenever the average Price of Wheat, made up and published in the Manner required by Law, shall be

	£	s.	d.
- - - under 55*s.* for every Quarter, the Duty shall be for every Quarter	0	5	0
- - - 55*s.* and under 56*s.*	0	4	0
- - - 56*s.* and under 57*s.*	0	3	0
- - - 57*s.* and under 58*s.*	0	2	0
- - - 58*s.* and upwards	0	1	0

BARLEY—

—— Whenever the average Price of Barley, made up and published in the Manner required by Law, shall be

- - - under 28*s.* for every Quarter, the Duty shall be for every Quarter	0	2	6
- - - 28*s.* and under 29*s.*	0	2	0
- - - 29*s.* and under 30*s.*	0	1	6
- - - 30*s.* and under 31*s.*	0	1	0
- - - 31*s.* and upwards	0	0	6

OATS—

—— Whenever the average Price of Oats, made up and published in the Manner required by Law, shall be

- - - under 22*s.* for every Quarter, the Duty shall be for every Quarter	0	2	0
- - - 22*s.* and under 23*s.*	0	1	6
- - - 23*s.* and upwards	0	0	6

RYE, PEASE, AND BEANS—

—— Whenever the average Price of Rye, or of Pease, or of Beans, made up and published in the Manner required by Law, shall be

- - - under 30*s.* for every Quarter, the Duty shall be for every Quarter	0	3	0
- - - 30*s.* and under 31*s.*	0	2	6
- - - 31*s.* and under 32*s.*	0	2	0
- - - 32*s.* and under 33*s.*	0	1	6
- - - 33*s.* and under 34*s.*	0	1	0
- - - 34*s.* and upwards	0	0	6

WHEAT MEAL AND FLOUR—

—— For every Barrel, being One hundred and ninety-six Pounds,
A Duty equal in Amount to the Duty payable on Thirty-eight and a Half Gallons of Wheat.

OATMEAL—

—— For every Quantity of One hundred and eighty-one Pounds and a Half,
A Duty equal in Amount to the Duty payable on a Quarter of Oats.

MAIZE OR INDIAN CORN, BUCK WHEAT, BEAR OR BIGG—

—— For every Quarter,
A Duty equal in Amount to the Duty payable on a Quarter of Barley.

SCHE-

SCHEDULE of CITIES and TOWNS to which this ACT refers.

COUNTIES.	TOWNS.
CHESHIRE -	Chester.
	Nantwich.
	Middlewich.
	Four Lane Ends.
	* Congleton.
	* Macclesfield.
	* Stockport.
LANCASTER -	Liverpool.
	Ulverston.
	Lancaster.
	Preston.
	Wigan.
	Warrington.
	Manchester.
	Bolton.
	* Blackburn.
	* Bury.
	* Rochdale.
DERBY - -	Derby.
	* Chesterfield.
NOTTINGHAM	Nottingham.
	Newark.
	* Mansfield.
	* Retford.
LEICESTER -	Leicester.
	* Loughborough.
	* Hinckley.
	* Lutterworth.
NORTHAMPTON	Northampton.
	* Peterborough.
	* Daventry.
	* Wellingborough.
	* Kettering.
WARWICKSHIRE	Coventry.
	Birmingham.
	* Warwick.
	* Stratford-on-Avon.
CORNWALL -	Truro.
	Bodmin.
	Launceston.
	Redruth.
	Helston.
	St. Austell.
	* Falmouth.
	* Callington.
	* Liskeard.
	* St. Columb.
DORSETSHIRE	Blandford.
	Bridport.
	Dorchester.
	Sherborne.
	Shaftesbury.
	Wareham.
	* Poole.
HAMPSHIRE -	Winchester.
	Andover.
	Basingstoke.
	Fareham.
	Havant.
	Newport.
	Ringwood.
	Southampton.
	Portsmouth.
	* Christchurch.
RUTLAND -	* Okeham.
HEREFORD -	* Leominster.
	* Hereford.
	* Kington.
SHROPSHIRE	* Shrewsbury.
	* Ludlow.
	* Newport.
	* Oswestry.
	* Wellington.
	* Wenlock.
	* Whitchurch.
	* Market Drayton.
WILTSHIRE -	* Swindon.
	* Devizes.
	* Salisbury.
	* Troubridge.
	Warminster.
	* Chippenham.
BEDFORD -	Bedford.
	* Leighton Buzzard.
	* Luton.
BERKSHIRE -	Windsor.
	Reading.
	* Abingdon.
	* Maidenhead.
	* Newbury.
	* Wallingford.
BUCKS - -	Aylesbury.
	* Buckingham.
	* High Wycombe.
	Newport Pagnel.
OXFORDSHIRE	Oxford.
	* Banbury.
	* Henley.
	* Witney.
	* Chipping Norton.
HUNTINGDON	Huntingdon.
	St. Ives.
CAMBRIDGE -	Cambridge.
	Ely.
	Wisbeach.
	* Newmarket.
SUFFOLK -	Ipswich.
	Woodbridge.
	Sudbury.
	Hadleigh.
	Stowmarket.
	Beccles.
	Bungay.
	Lowestoft.
	Bury St. Edmund's.
NORFOLK -	Norwich.
	Yarmouth.
	Lynn.
	Thetford.
	Watton.
	Diss.
	East Dereham.
	Harleston.
	Holt.
	Aylsham.
	Fakenham.
	North Walsham.
	* Swaffham.
NORTHUMBERLAND.	Walsingham.
	Belford.
	Hexham.
	Newcastle-upon-Tyne.
	Morpeth.
	Alnwick.
	Berwick.
CUMBERLAND	Carlisle.
	Whitehaven.
	Cockermouth.
	Penrith.
	Egremont.
	* Wigton.
	* Maryport.
	* Workington.
WESTMORELAND.	Appleby.
	Kendal.
WORCESTER -	Worcester.
	* Bromsgrove.
	* Kidderminster.
	* Stourbridge.
	* Evesham.
GLOUCESTER	Gloucester.
	Cirencester.
	Tetbury.
	Stow-on-the-Wold.
	Tewkesbury.
	* Cheltenham.
	* Dursley.
	* North Leach.
	* Stroud.

COUNTIES.	TOWNS.
SOMERSETSHIRE	Bristol.
	Taunton.
	Wells.
	Bridgewater.
	Frome.
	Chard.
	* Somerton.
	* Shepton Mallet.
	* Wellington.
	* Wiveliscomb.
MONMOUTHSHIRE.	Monmouth.
	Abergavenny.
	Chepstow.
	Pontypool.
	* Newport.
DEVONSHIRE -	Exeter.
	Barnstaple.
	Plymouth.
	Totness.
	Tavistock.
	Kingsbridge.
	* Oakhampton.
	* Tiverton.
	* Honiton.
STAFFORDSHIRE	* Stafford.
	* Burton-on-Trent.
	* Lichfield.
	* Newcastle-under-Lyme.
	* Stone.
	* Uttoxeter.
	* Walsall.
	* Wolverhampton.
MIDDLESEX -	London.
	Uxbridge.
HERTFORDSHIRE.	Hertford.
	Royston.
	* Bishop Stortford.
	* St. Alban's.
	* Hemel Hempstead.
	* Hitchin.
SURREY -	Guildford.
	* Croydon.
	* Kingston.
	* Dorking.
ESSEX - -	Chelmsford.
	Colchester.
	Romford.
	* Chipping Ongar.
	* Saffron Walden.
	* Braintree.
KENT - -	Maidstone.
	Canterbury.
	Dartford.
	* Chatham and Rochester.
	* Dovor.
	* Gravesend.
	* Ashford.
SUSSEX - -	Chichester.
	Lewes.
	Rye.
	* Brighton.
	* East Grinstead.
	* Battle.
	* Arundel.
	* Hastings.
	* Midhurst.
	* Shoreham.
LINCOLN -	Lincoln.
	Gainsborough.
	Glanford Bridge.
	Louth.
	Boston.
	Sleaford.
	Stamford.
	Spalding.
	* Barton on Humber.
	* Bourne.
	* Grantham.
	* Grimsby.
	* Horncastle.
	* Market Raisin.
	* Caistor.
	* Alford.
	* Holbech.
	* Long Sutton.
YORK - - -	York.
	Leeds.
	Wakefield.
	Bridlington.
	Beverley.
	Hawden.
	Sheffield.
	Hull.
	Whitby.
	New Malton.
	* Barnsley.
	* Bedale.
	* Bradford.
	* Doncaster.
	* Knaresborough.
	* Pickering.
	* Richmond.
	* Ripon.
	* Selby.
	* Skipton.
	* Thirsk.
	* Rotherham.
	* Otley.
	* Thorne.
DURHAM -	Durham.
	Stockton.
	Darlington.
	Sunderland.
	Barnard Castle.
WALES - -	Carmarthen.
	Carnarvon.
	Haverfordwest.
	Cardiff.
	Denbigh.
	Wrexham.
	* Brecon.
	* Mold.
	* Bangor.
	* Cowbridge.
	* Newtown.
	* Corwen.
	* Welshpool.
	* Llangefni.
	* Llandillo.
	* Knighton.
	* Swansea.

CAP. XV.

An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only, in *Ireland*. [29th *April* 1842.]

'Most Gracious Sovereign,

4 & 5 W. 4. c. 75. 'WHEREAS an Act was passed in the Session of Parliament held in the Fourth and Fifth Years of 'the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties on 'Spirits made in* Ireland, *and to impose other Duties in lieu thereof; and to impose additional Duties 'on Licences to Retailers of Spirits in the United Kingdom:* And whereas an Act was passed in 3 & 4 Vict. c. 17. 'the Third Year of the Reign of Her Majesty, intituled *An Act for granting to Her Majesty Duties of 'Customs, Excise, and Assessed Taxes:* And whereas an Act was passed in the Second Year of the 2 & 3 W. 4. c. 29. 'Reign of His said Majesty King *William* the Fourth, intituled *An Act to reduce the Allowance on 'Spirits made from Malt only in* Scotland *and* Ireland: And whereas it is expedient to impose additional

'Duties

'Duties of Excise on Spirits in *Ireland*, and to repeal the Allowance granted by the said last-recited 'Act on Spirits in *Ireland*, distilled from Malt only, and to amend the Acts relating to the Duties on 'Spirits:' We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be charged, raised, levied, collected, and paid, upon every Gallon of Spirits of the Strength of Hydrometer Proof, which shall, on or after the Eleventh Day of *March* One thousand eight hundred and forty-two, be distilled in *Ireland*, or be in the Stock, Custody, or Possession of any Distiller in *Ireland*, or which, having been distilled in *Ireland* or *Scotland*, shall on or after the said Day be in Warehouse in *Ireland*, and be taken out of Warehouse for Consumption in *Ireland*, or which, having been taken out of Warehouse in *Scotland* for Removal to *Ireland*, shall on or after the said Day be brought into *Ireland*, an additional Duty of One Shilling.

Additional Duty of One Shilling per Gallon on Spirits in Ireland.

II. And be it enacted, That the said additional Duty hereby imposed shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, collected, recovered, paid, and applied in such and the like Manner, in and by the same Means, Ways, or Methods, by which other Duties of Excise on and in respect of Spirits are or may be charged, raised, levied, collected, recovered, paid, and applied in *Ireland*; and all and every Act and Acts relating to the Duties of Excise, and all and every Fine and Penalty, Pain and Forfeiture, for any Offence against or in breach of any Act or Acts for securing the Duties on Excise, or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to, and shall respectively be applied to, practised, and put in execution for and in respect of the said additional Duty hereby imposed, in as full and ample a Manner, to all Intents and Purposes, as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in this Act.

Additional Duty to be under the Management of Commissioners of Excise, and be raised under the same Provisions as former Duties.

III. And be it enacted, That from and after the said Eleventh Day of *March* One thousand eight hundred and forty-two, the Allowance granted by the said recited Act of the Second Year of the Reign of His said late Majesty King *William* the Fourth, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof, distilled in *Scotland* and *Ireland* from malted Corn only, not being mixed with any unmalted Corn or Grain whatever, after the Rate of Two Gallons of such Spirits for every Bushel of Barley Malt, or One Bushel and ¼ One Fourth of a Bushel, and ⅓ One Third Part of a Gallon of Malt, made from Bear or Bigg only, in respect of which Spirits any Distiller in *Scotland* or *Ireland* shall be charged with Duty during the Time that such Distiller shall use Malt only, shall, as respects *Ireland*, cease and determine, and be no longer paid or payable; and the several Enactments, Provisions, and Regulations in any Act or Acts of Parliament contained for claiming or paying the said Allowance or preventing Frauds in claiming the same, be no longer enforced or executed in *Ireland*, save and except that the said Allowance shall be allowed and paid in respect of all such Spirits as may have been or may be distilled in *Ireland* from any Wort or Wash brewed or prepared in any mashing Period, or may have been or may be distilled in any distilling Period, which shall have commenced on or before or be in progress on the said Eleventh Day of *March* One thousand eight hundred and forty-two.

Allowance on Spirits made from Malt only in Ireland repealed.

IV. And be it enacted, That so much of the said recited Act of the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth as enacts, "that from and after the First Day of *September* One thousand eight hundred and thirty-four it shall be lawful to remove any Spirits from any Warehouse in which the same may be warehoused in *Scotland* to any Warehouse approved of by the Commissioners of Excise in *Ireland*, under the same Regulations and in the same Manner as may now be done by Law, and all such Spirits so removed and warehoused in *Ireland* shall, when taken out of Warehouse for Consumption in *Ireland*, be charged with the said Duty of Two Shillings and Four-pence *per* Gallon," shall be and the same is hereby repealed.

4 & 5 W.4. c.75. s. 4. repealed.

V. And be it enacted, That so much of the said recited Act of the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth as enacts, "that all Spirits shall be removed from *Ireland* into *Scotland*, under the Rules, Regulations, Restrictions, and Provisions for removing Spirits from *Scotland* or *Ireland* into *England*, contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof; and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation*, respect being had to the different Amount of Duty which shall be payable in *Scotland*, and all Enactments, Provisions, Restrictions, Rules, and Regulations in the said Act contained, regulating the Removal of Spirits from *Scotland* or *Ireland* into *England*, together with all Pains, Penalties, Fines, and Forfeitures relating thereto, shall be in full force and effect, and be applied and enforced with respect to the Removal of Spirits from *Ireland* to *Scotland*, reference being had to the different Amount of Duty, as fully and effectually as if the same were repeated and re-enacted in this Act," shall be and the same is hereby repealed.

4 & 5 W.4. c.75. s. 5. repealed.

6 G 4. c. 80.

VI. And be it enacted, That all Spirits distilled in *Scotland* or *Ireland* respectively, and there warehoused, may, at the Desire and Risk of the Distiller thereof, and on Payment of the Duty on all Deficiencies

Spirits may be removed from a Warehouse in Scotland or

Ireland to any other approved Warehouse in Scotland or Ireland, under the Regulations of the Commissioners of Excise, but not otherwise.

Deficiencies found before the Removal thereof, be removed, under such Security and Regulations as the Commissioners of Excise shall from Time to Time order in respect thereof, from the Warehouse in which the same shall be warehoused to any other Warehouse approved of by the Commissioners of Excise in *Ireland* or *Scotland* respectively, there to be warehoused in the Name of the Distiller thereof; and all such Spirits, when removed from *Scotland* to *Ireland*, or from *Ireland* to *Scotland*, and re-warehoused, shall be subject to all the Laws and Regulations to which Spirits distilled in the Country in which the same shall be re-warehoused are subject; and no Spirits distilled in *Scotland* or *Ireland* respectively shall be removed from *Scotland* to *Ireland*, or from *Ireland* to *Scotland*, otherwise than from a Warehouse in which the same shall have been warehoused before Payment of the Duty thereon, and all such Spirits which shall be otherwise removed shall be forfeited.

No Spirits from unmalted Corn in Scotland to be removed to Ireland, unless distilled, &c. from Spirits made from Malt only.

Malt Allowance to be repaid before Removal.

VII. And be it enacted, That no Spirits distilled in *Scotland* from unmalted Corn or Grain, mixed or unmixed with Malt, shall be taken out of any Warehouse for Removal to *Ireland*, unless such Spirits were distilled and warehoused by some Distiller not having, at the Time when such Spirits were distilled and warehoused, any Spirits made from Malt only, or on which any Allowance shall be or shall have been made in respect of the Duty on Malt in his Stock or Possession, or in such Warehouse, and which shall be so certified by the proper Officer at the Time of warehousing, and also at the Delivery thereof; nor shall any Spirits made from Malt only, or in respect of which any Allowance as aforesaid has been or shall be made, paid, or received, be taken out of Warehouse in *Scotland* for Removal to *Ireland*, until the Allowance so made shall have been repaid by the Distiller to the Commissioners of Excise, or such Person as they shall order or direct to receive the same; and every Person who shall take out of any Warehouse in *Scotland* any Spirits made from unmalted Corn or Grain, mixed or unmixed with Malt, for Removal to *Ireland*, which were not made and warehoused by such Distiller as aforesaid, and shall not be so certified as aforesaid, or shall take out of Warehouse for Removal or remove any Spirits made from Malt only, or on which any such Allowance as aforesaid has been made or shall be made, to *Ireland*, without first repaying such Allowance thereon as aforesaid, shall forfeit Twenty Shillings *per* Gallon for every Gallon of such Spirits so taken out or removed, or One hundred Pounds, at the Election of the Commissioners of Excise, and all such Spirits shall also be forfeited.

Penalty for Default in either Case.

Provision for Malt Spirits removed from Scotland to Ireland after 11th March and before passing of the Act.

VIII. Provided always, and be it enacted, That the said last-mentioned Penalty and Forfeiture shall not be incurred in respect of any Spirits removed from *Scotland* to *Ireland* before the passing of this Act, but that on all Spirits made from Malt only, or in respect of which any such Allowance as aforesaid shall have been or shall be made, which shall be removed from *Scotland* to *Ireland* after the said Eleventh Day of *March* One thousand eight hundred and forty-two, such Allowance shall be repaid by the Distiller or Person removing or who shall have removed the same; and it shall be lawful for the Commissioners of Excise, and they are hereby required, to sue for and recover the Amount thereof, in the same Manner and by the same Ways and Means as any Duties of Excise may be sued for and recovered.

Additional Duty may be added to the Price of Spirits contracted for before the 11th Day of March 1842.

IX. 'And whereas Contracts may have been made before the said Eleventh Day of *March* One thousand 'eight hundred and forty-two for Spirits on which the additional Duty hereby imposed will attach, or in 'respect of which, if made from Malt only, and to be removed from *Scotland* to *Ireland*, the Allowance 'will require to be repaid;' be it therefore enacted, That all and every Person and Persons who shall or may, on or before the said Eleventh Day of *March* One thousand eight hundred and forty-two, have made or entered into any such Contract or Agreement, shall and may, and they are hereby respectively authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the said additional Duty, or to the Allowance to be repaid, to the Price of such Spirits, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Act may be amended, &c. this Session.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XVI.

An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-four, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. [13th *May* 1842.]

3 & 4 W. 4. c. 16

'WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *William* the 'Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to 'grant other Duties, Allowances, and Drawbacks in lieu thereof*, certain Allowances of the Duties of Excise 'paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in 'the said Act, and which Allowances were to cease at the End of the Session of Parliament next after 'the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And whereas by other Acts 'passed in the Fifth and Sixth Years of His said late Majesty King *William* the Fourth, and in the 'Second and Third and also the Fifth Years of the Reign of Her present Majesty Queen *Victoria*, the 'said Allowances (except the Allowance for the whitening of new Linen in the Piece for Sale) were 'continued until the Thirty first Day of *July* One thousand eight hundred and forty-two: And whereas 'it is expedient that the said Allowances (except as aforesaid) should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale,) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-four, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

Certain Allowances of the Duty on Soap to be continued.

CAP. XVII.

An Act for preventing, until the First Day of *May* One thousand eight hundred and forty-five, Ships clearing out from any Port in *British North America*, or in the Settlement of *Honduras*, from loading any Part of their Cargo of Timber upon Deck. [13th *May* 1842.]

'WHEREAS great Loss of Life and severe Sufferings have been occasioned amongst the Crews of 'Ships and Vessels laden with Timber and Wood Goods from *British* Ports in *America*, from the 'Practice of having a Portion of the Cargo of such Ships stowed on or above Deck:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Part of the Cargo of any Ship or Vessel, wholly or in part laden with Timber or Wood Goods, and clearing from any *British* Port in *North America*, or the Settlement of *Honduras*, for any Port in the United Kingdom, between the First Day of *September* and the First Day of *May* in each Year, to be stowed or placed, during any Part of the Voyage, upon or above the Deck of such Ship or Vessel; and the Captain or Master of every Ship or Vessel so clearing shall not be permitted to sail without first procuring a Certificate from the clearing Officer that all the Cargo is below Deck.

No Part of the Cargo of certain Ships laden with Timber to be placed on the Deck.

No Vessel to sail without Certificate thereof.

II. And be it enacted, That if any Captain, Owner, Supercargo, or other Person having Command of any such Ship or Vessel, shall so place, or cause or permit to be so placed, any Part of the Cargo, every such Captain, Owner, or Supercargo, or other Person, so offending, shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds: Provided always, that nothing herein contained shall extend to prevent the carrying upon Deck the necessary Store Spars for the Vessel's Use, or the Removal on Deck of a Portion of the Cargo of such Ship or Vessel in Cases where the same may be rendered necessary by the springing a Leak or other Damage during the Voyage, nor to any Ship which may have cleared out from any Port in *British North America*, or the Settlement of *Honduras*, before the First Day of *September*, or within Seven Days after Notice of this Act shall have been received at the Custom House of the respective Ports.

Penalty for placing Timber on Deck.

Proviso for Stores;

for Removal in case of Leakage or Damage;

and for certain Vessels.

III. And be it enacted, That all Indictments and Informations against any Person or Persons for or in respect of any Offences by him or them committed or alleged to have been committed against the Provisions of this Act, and all Proceedings for the Recovery of any Penalty incurred or alleged to have been incurred by any Person or Persons under this Act, shall and may be preferred and prosecuted by any Person or Persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same Manner, and with and under and subject to all such and the same Rules, Provisoes, Conditions, and Restrictions, and such and the like Regulations as to the Application and Distribution of the Penalties recovered, as in the Case of any Indictments or Informations preferred or Proceedings taken for or in respect of any Offence committed against or for the Recovery of any Fines, Penalties, or Forfeitures incurred under any Act now in force for the Prevention of Smuggling, or relating to the Customs, or to Trade or Navigation.

Proceedings on Indictments and Informations.

IV. And be it enacted, That it shall be lawful for the Commissioners of Customs to direct any Officer of Customs to institute and prosecute such Proceedings as are authorized by this Act against any Person or Persons for or in respect of any Offence or Offences by him or them committed or alleged to have been committed against the Provisions of this Act; provided, nevertheless, that, except in such Cases, the Direction or Consent of the said Commissioners shall not be necessary or required in order to the preferring, prosecuting, proceeding with, or determining any Informations under this present Act, any thing in such Acts as aforesaid to the contrary in anywise notwithstanding.

Commissioners of Customs may order Proceedings to be instituted.

V. And be it enacted, That all Warrants of Justices of the Peace for recovering any Penalty inflicted by this Act shall be drawn in the Form or to the Effect in the Schedule to this Act annexed; and that no such Warrant shall be held void by reason of any Defect in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of any such Defect, provided it be alleged in the said Warrant that the said Party has been convicted of any Offence against this Act, and provided it shall appear to the Court or Judge before whom such Warrant may be returned that such Conviction proceeded upon good and valid Grounds.

Warrants of Commitment to be in the Form or to the Effect in the Schedule.

VI. And be it enacted, That this Act shall continue in force until the First Day of *May* One thousand eight hundred and forty-five.

Continuance of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c. this Session.

SCHE-

SCHEDULE to which this Act refers.

Form of Warrant of Commitment for a Penalty.

of } To and to the Gaoler or Keeper of the at
to wit. } in the .

WHEREAS *A.B.* is this Day duly convicted before us Esquires, Two of Her Majesty's Justices of the Peace in and for the of being the Place in which the said *A.B.* was found, upon the Information of for that after the passing of a certain Act of Parliament made and passed in the Year of our Lord One thousand eight hundred and intituled 'An Act for preventing Ships clearing out from any Port in British North 'America, or in the Settlement of Honduras, from loading any Part of their Cargo or Timber upon 'Deck,' and between the First Day of September which was in the Year of our Lord One thousand eight hundred and and the First Day of which will be in the Year of our Lord One thousand eight hundred and to wit, on the Day of in the Year of our Lord One thousand eight hundred and a certain Vessel, called the of which the said was then the Person having the Command thereof, the said Vessel being laden with Timber and Wood Goods, cleared from a certain British Port in North America, to wit, the Port of for a certain Port in the United Kingdom, to wit, the Port of and also for that afterwards, and during a certain Part of the said Voyage of the said Vessel as aforesaid, and upon the High Seas, the said so being such Person having the Command of the said Vessel, did place, and cause and permit to be placed, a certain Part of the Cargo of the said Vessel, to wit, upon the Deck of such Vessel, to wit, on the Day and Year last aforesaid, to wit, at aforesaid, in the said not being the necessary Store Spars for the said Vessel's Use during the said Voyage, nor a Portion of the Cargo of the said Vessel removed on Deck in a Case rendered necessary by the springing a Leak or other Damage during the said Voyage, contrary to the Form of the Statute in that Case made and provided: And whereas the said having been duly summoned to appear and answer the said Information, this Day of instant, at in the said of we the said Justices, upon due Consideration had in the Premises, did then and there adjudge that the said had forfeited for his said Offence the Sum of Pounds, which said Sum of Pounds has not been paid:

These are therefore to require you the said forthwith to take, carry, and convey the said to our Gaol at in the of and to deliver him into the Custody of the Gaoler or Keeper of the said Gaol; and we the said Justices do hereby authorize and require you the said Gaoler or Keeper of the said Gaol to receive and take the said into your Custody, and him safely to keep until he shall duly pay the said Sum of Pounds.

Given under our Hands and Seals at in the of this Day of in the Year of our Lord One thousand eight hundred and .

CAP. XVIII.

An Act to explain and amend the Acts regulating the Sale of Parish Property; and to make further Provision for the Discharge of Debts, Liabilities, and Engagements incurred by or on behalf of Parishes. [13th *May* 1842.]

5 & 6 W. 4. c. 69. s. 1.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled 'An Act to facilitate the Conveyance of Workhouses and other Property of Parishes, and of 'Incorporations or Unions of Parishes, in England and Wales, it was among other things enacted, 'that it should be lawful for the Guardians and Overseers of the Poor of any Parish or Union of 'Parishes, under the Direction and with the Approbation of the Poor Law Commissioners for *England* 'and *Wales*, to dispose of, by way of absolute Sale, or in exchange for any Messuages, Lands, or other 'Hereditaments, any Lands or Buildings, for the Purpose of the same being used as the Site of a 'Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief 'of the Poor which the said Poor Law Commissioners might approve of; and Doubts have been 'raised as to the Meaning in certain Cases of this Provision:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Sales, Lettings, Exchanges, or Dispositions of Lands, Buildings, or other Property belonging to any Parish or Union not formed by the Poor Law Commissioners, which shall have been or shall be made for any of the said recited Purposes by virtue of the said Act, and of the Statute amending the same passed in the First Year of the Reign of Her Majesty, under the Order of the said Commissioners, by a Majority of the Overseers of such Parish or of the last acting Guardians of such Union respectively, to the Guardians of any Union formed by the said Commissioners, shall be and be taken to have been valid.

All Sales and Dispositions of Lands, Buildings, &c. by Overseers and acting Guardians of dissolved Incorporations to Unions formed under 4 & 5 W. 4. c. 76. and 7 W. 4. & 1 Vict. c. 50. deemed valid.

Explanation of the Meaning of 5 & 6 W. 4. c. 69. s. 3.

II. 'And whereas by the said Act it was further enacted, that it should be lawful for the Guardians of 'any Parish or Union, and for the Overseers of any Parish not under the Management of a Board of 'Guardians, and for the Guardians or Trustees, Guardian or Trustee of any dissolved Union, or the

'Person

'Person or Persons who were the Guardians or Trustees, Guardian or Trustee, of any dissolved Union 'at the Time of its Dissolution, or a Majority of such Guardians, Trustees, or Persons, if more than One, 'with the Approbation and subject to the Rules, Orders, and Regulations of the Poor Law Commis- 'sioners, to sell, exchange, let, or otherwise dispose of any Workhouse, Tenements, Buildings, Land, 'Effects, or other Property belonging to any such Parish or Union, or vested in Trustees or Feoffees in 'Trust for such Parish or Union, or for the Parishioners, Rate-payers, or Inhabitants thereof, or which 'belong or did belong to any dissolved Union, and every or any Part of such Property, and to convey, 'assign, or transfer the same accordingly to the Purchasers or Parties exchanging, as they should direct; 'which said Provisions have been extended by the said Act passed in the First Year of the Reign of Her 'present Majesty, and Doubts have arisen as to the Meaning and Extent of such Provisions;' be it there- fore declared and enacted, That the said Provision shall be deemed to have authorized and to authorize the Sale, Exchange, Letting, and Disposal, by the Guardians of a Union formed or to be formed by the said Commissioners, of any Workhouse, Tenements, Buildings, Land, Effects, or other Property belonging to any Parish which shall be comprised in the said Union, and in Cases of the Sale, Exchange, Letting, and Disposal of Workhouses, Tenements, Buildings, Land, Effects, and other Property belonging to a dissolved Union to have applied and to apply to a Majority of the Persons who were the last acting Guardians previous to the Dissolution of such Union: Provided always, that nothing in this Act shall be deemed to render valid or to authorize the Sale, Exchange, Letting, or other Disposition of any Property whatsoever which shall have been given or bequeathed by way of charitable Donation, or shall have been allotted in right of some charitable Donation or otherwise, for the poor Persons of any Parish, and not for the general Benefit of the Rate-payers, Parishioners, or Inhabitants of such Parish, nor to dispense with the Consent of the Rate-payers and Owners of Property required by the said last-recited Act to all Sales, Exchanges, Lettings, or other Dispositions of Property belonging to any Parish, except in the Case next herein-after provided.

Proviso for charitable Donations;

and for Consent of Rate-payers, &c. to certain Sales, &c.

III. And be it enacted, That where several Parishes shall have been or shall be jointly interested in any Workhouse, Tenements, Buildings, Lands, whether of Freehold, Copyhold, or Customary Tenure, Effects, or other Property, it shall be deemed to have been and shall be lawful for the said Commissioners, upon the Application of the Overseers of the major Part of such Parishes, and with the Consent of the Rate- payers and Owners of Property in the major Part of such Parishes, to be ascertained in the Manner directed by the said Act, to order the same to be sold, let, exchanged, or disposed of by the Guardians of the Union in which such Parishes or the greater Part thereof shall be situate, in such Manner, and subject to such Rules, Orders, and Regulations, as the said Commissioners shall deem fit; and it shall be deemed to have been and to be lawful for the said Commissioners to direct the Application of the Produce arising from such Sale, Letting, or Disposition in the same Manner and to and for the same Purposes as the Produce arising from the Sales of Property belonging to other Parishes may be applied to: Provided always, that where any Conveyance, by way of Sale, Lease, Exchange, Disposition, or otherwise, of any Property belonging to a Parish or Union, whether dissolved or not, shall have been or shall hereafter be made by the Guardians of any existing Union, or a Majority of the last acting Guardians of any dissolved Union, under the Order of the said Commissioners, the same shall be deemed to have been and to be valid for all the Purposes of such Conveyance, although the legal Estate in such Property shall be or shall be presumed to be outstanding in some Trustee or Trustees who shall not have joined in such Conveyance; and in Cases of Copyhold or Customary Lands the Surrender of the Tenant on the Roll, being a Trustee for any Parish or Union, shall not be required, but the Admission of the Party to whom the Guardians or Overseers shall, under the Authority of the said recited Acts or this Act, have conveyed the same, shall take place, upon the Production to the Steward of the Manor of which such Lands shall be held of the Conveyance from such Guardians or Overseers duly executed, and upon Payment of such Fines, Dues, or Services to the Lord of the Manor of which the said Lands shall be holden, and his Steward, as they respectively would be entitled to upon the Admission of such Party after a Surrender by a Tenant on the Roll.

For Sale of Property belonging to several Parishes.

Proviso that no Trustee shall be required to join in any Conveyance of Parochial Property.

IV. 'And whereas by an Act passed in the First Year of the Reign of Her present Majesty, to explain 'and amend an Act of the Seventh Year of His late Majesty, for extending the Period for the Repay- 'ment of Loans made under an Act passed in the Fifth Year of His said late Majesty, for the Amendment 'and better Administration of the Laws relating to the Poor in *England* and *Wales*, Provision was made 'for Payments in certain Cases, out of the Produce arising from Sales of Parish Property, in liquidation 'of the Debts, Liabilities, or Engagements of such Parish, and it is expedient to extend the Operation of 'the said Act;' be it enacted, That the Powers and Provisions of the said recited Act shall extend and apply to the Payment of any Debts, Liabilities, or Engagements which heretofore have been *bonâ fide* entered into by the Parish Officers or other Person or Persons on behalf of any Parish, and which shall be proved to the Poor Law Commissioners to have been recognized, within One Year before the passing of the said Act of the Fifth Year of His late Majesty, as existing Parish Debts, Liabilities, or Engagements, by the Inhabitants of such Parish in Vestry assembled, or by Payment and Allowance of Interest thereon out of the Funds applicable to the Relief of the Poor of such Parish.

Provisions of 1 & 2 Vict. c. 25. for the Payment of Debts out of the Produce of the Sale of Parochial Property extended to any recognized bonâ fide Debts.

V. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by an Order under their Hands and Seal, upon the Receipt of a Copy under the Hands of the Overseers of the Poor of any Parish of a Resolution passed at a Meeting of Rate-payers and Owners of Property entitled to vote according to the Provisions of the said Act of the Fifth Year of the Reign of His late Majesty, duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding

Poor Law Commissioners may, upon receipt of a Parochial Request, order Payment of the aforesaid Debts

out of the Poor Rates.

holding such Meeting shall have been given in like Manner as Notices of Vestry Meetings are published and given, consenting to the Issue of such Order, to direct the said Overseers, by equal annual Instalments, not exceeding Ten, to pay or discharge out of the Poor Rates, or other Monies in their Hands applicable in aid of the Poor Rates of the said Parish, any such Debt, Liability, or Engagement as aforesaid, together with all Interest due or hereafter to accrue in respect of such Debt, Liability, or Engagement; provided that the said Commissioners shall be satisfied, before they issue any such Order, that such Debt, Liability, or Engagement constitutes a fair and just Claim against the said Parish, and shall approve of and sanction the Discharge thereof.

Overseers may borrow Money, and charge the same on the Poor Rates, for the Payment of such Debts.

VI. And be it enacted, That it shall be lawful for the said Overseers, and they are hereby required, if so directed by such Order and Resolution as aforesaid, to borrow any Sum that may be requisite to enable them to pay and discharge any such Debt, Liability, or Engagement as aforesaid, or any Part thereof, and to charge the Poor Rates of the said Parish with the Repayment of the Sum borrowed for such Purpose, and the Interest thereof, so nevertheless that the Sum so borrowed shall be repaid by equal annual Instalments, not exceeding Ten; and every Instrument by which the Rates shall be charged under the Provisions of this Act shall be approved of by the Poor Law Commissioners, and registered in their Office.

Provision for the Discharge of Bonds under 22 G. 3. c. 83.

VII. 'And whereas various Sums of Money have been borrowed under the Authority of an Act passed 'in the Twenty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the* 'better Relief and Employment of the Poor, and Securities authorized by that Statute have been given in 'respect of such Sums of Money, and are now outstanding against the Parishes on whose Behalf the said 'Sums were advanced, and the Provisions of the several Statutes in this Behalf do not afford a satis-'factory Mode of liquidating such Debts;' be it therefore enacted, That where any Parish is now or at any Time hereafter shall be comprised in any Union formed or to be formed under the said Act of the Fifth Year of the Reign of His late Majesty, or shall be under the Management of a Board of Guardians, and the Poor Rates thereof shall be liable to the Payment of any Debt duly borrowed and secured under the Authority of the said Act of the Twenty-second Year of the Reign of King *George* the Third, the Guardians of such Union or Parish respectively shall be required to make such Provision for the Liquidation of the said Debt in full, or by equal annual Instalments, not exceeding Ten, as the said Commissioners shall by Order under their Hands and Seal direct; and for such Purpose such Guardians are hereby empowered to make any Order or Orders upon the Overseers of such Parish as the said Guardians may find necessary, and shall have all the same Powers for enforcing such Order or Orders as they now have by Law in regard to the Contributions required by such Guardians.

Payments in respect of Debts not legally charged on the Rates, or provided for under this Act, illegal, and disallowed.

VIII. Provided nevertheless, and be it enacted, That nothing in this Act contained shall be deemed or taken to render any Debt, Liability, or Engagement a valid Charge upon the Poor Rates of any Parish which is not at the Time of passing hereof a subsisting legal Charge thereon, except where such Resolution shall have been passed and such Order shall have been made as aforesaid: And provided always, that every Payment out of the Poor Rates, either of Principal or Interest, in respect of any such Debt, Liability, or Engagement, without such Order of the said Commissioners, shall be unlawful, and as such disallowed in the Accounts of the Officer or Officers or other Person paying the same.

Interpretation of Act.

IX. And be it enacted, That every Word used in this Act shall, where the Context shall not be at variance with such Interpretation, be deemed to express the Meaning assigned thereto in the said recited Act of the Fifth Year of the Reign of His late Majesty; and every Order, Regulation, Mortgage, Security, Charge, or other Instrument made and executed under the Provisions of this Act shall be subject to the same Incidents, Exemptions, Provisions, or Regulations as it would have been subject to if made under the Powers contained in the said last-recited Act.

CAP. XIX.

An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the *Knightsbridge* Road into *Hyde Park*, and a new Opening from *High Street, Kensington*, into an intended new Road across the Palace Green; and for annexing a Piece of Extra-parochial Ground in the Royal Garden to the respective Parishes of *Saint Mary Abbots Kensington* and *Saint Mary Paddington* in several Portions. [13th *May* 1842.]

'WHEREAS the Queen's most Excellent Majesty, with a view to public Improvement, and the 'Accommodation of the Inhabitants of the new Squares, Streets, and Places that have lately been 'erected and formed in the Neighbourhood of *Knightsbridge* in the County of *Middlesex*, has been 'graciously pleased to consent and permit that a new Entrance shall be made from the *Knightsbridge* 'Road into Her Majesty's Park called *Hyde Park*, subject to such Regulations as Her Majesty shall from 'Time to Time approve of; and for the Purpose of making such new Entrance, and a suitable Approach 'thereto, is is expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings should be empowered to purchase, take, and use certain Messuages, Lands, and 'Tenements situate on the North Side of the said *Knightsbridge* Road, and on the East and West Sides 'of a certain Watercourse leading from the *Serpentine* River to the River *Thames*, in the Parishes of 'Saint Margaret Westminster and *Saint George Hanover Square*, or one of them, in the said County of 'Middlesex, and to arch or cover over Part of the said Watercourse: And whereas an Act was passed in 'the last Session of Parliament, empowering the Commissioners of Her Majesty's Woods to grant Build-'ing Leases of the Royal Kitchen Garden and other adjoining Ground, the Property of Her Majesty, at

'*Kensington*,

'*Kensington*, described in the Schedule to the said Act; and for the Purpose of enabling them to lay out 'such Building Ground upon the most approved Plan and to the best Advantage it is expedient that the 'said Commissioners should be empowered to form an Entrance on the North Side of *High Street, Ken-* 'sington, into an intended new Road and Carriageway designed to be made across the Ground which 'they are so empowered to let on Building Leases as aforesaid, into the *Uxbridge* Road at *Bayswater*, 'and for that Purpose to purchase, take, and use certain Messuages or Tenements, with the Outbuildings 'and Appurtenances thereto belonging, together with a Brewery and other Buildings at the Rear 'thereof, situate on the North Side of the *High Street, Kensington*, aforesaid, in the Parish of *Saint* 'Margaret Westminster in the said County of *Middlesex*: And whereas there is a small triangular Piece 'of Ground containing about Three Acres (Part of the Ground comprised in the Schedule to the said Act 'of last Session) over which the said intended new Road and Carriageway will be partly formed, which 'lies on the Confines of the several Parishes of *Saint Mary Abbots Kensington* and *Saint Mary Pad-* 'dington, and is reputed to be extra-parochial, but the same has been of late claimed to belong partly to 'the said Parish of *Saint Mary Abbots Kensington* and partly to the said Parish of *Saint Mary Padding-* 'ton; and in order to avoid Litigation, and prevent future Question, it is expedient that the said Piece of 'Ground should be annexed to and form Part of the said respective Parishes, in the several Portions 'herein-after mentioned, and the Vestries of the said respective Parishes are assenting thereto: And 'whereas Maps or Plans, describing the Houses, Buildings, Ground, and Premises required to be pur- 'chased, taken, and used for the Purposes aforesaid, under or by virtue of this Act, have been made, for 'the Purpose of being deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Time being, and they are hereby authorized and empowered, to make, form, and complete the said several Entrances, Openings, and Improvements herein-before mentioned, and to carry the Purposes of this Act into execution, according to such Plans as aforesaid.

Commissioners of Woods empowered to make the Openings.

II. And be it enacted, That the said Maps or Plans, after the same shall have been authenticated by the Signatures of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, shall be deposited with and shall remain in the Custody of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and shall be received in Evidence for all Purposes relating to this Act; and One Copy thereof, so signed as aforesaid, shall be deposited at the Office of Land Revenue Records and Inrolments within One Month from the passing of this Act, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection; and the said Commissioners, in making the said Purchases, Alterations, and Improvements, shall not deviate more than Fifty Feet from the Lines described in the said Maps or Plans, without the Consent and Approbation, in Writing, of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Plans of Premises to remain in Custody of Commissioners.

Copy to be deposited in the Office of Land Revenue Records and Inrolments.

III. Provided always, and be it enacted, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, or as are situated within the Limits of the Deviation herein-before authorized, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

No Houses, &c. to be taken without Consent, unless in the Schedule.

IV. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase, take down, and use, for the Purposes of this Act, any of the Houses, Buildings, Lands, and other Hereditaments described in the said Plans to be deposited as aforesaid as intended to be taken for the Purposes of this Act, although the same Houses, Buildings, Lands, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more Justices of the Peace for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Premises may be taken, notwithstanding Errors in the Schedule.

V. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for their Surveyor or Surveyors, Officers and Workmen, from Time to Time, at all reasonable Times, in the Daytime, upon giving Notice in Writing for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Lands, Tenements, or Hereditaments, for the Damages that shall be thereby occasioned.

Power to Commissioners, their Surveyors, &c., to enter upon Houses, &c. for surveying or valuing.

VI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and they are hereby empowered, when they shall deem it necessary, by and with the Consent and Approbation, in Writing, of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer,

Commissioners empowered to treat for the Purchase of Houses, &c.

surer, or any Three or more of them, to treat and agree for the Purchase of any Lands, Tenements, and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Two Commissioners empowered to act.

VII. And be it enacted, That all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purpose of carrying this Act into execution, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

Hereditaments, &c. to be conveyed to Her Majesty.

VIII. And be it enacted, That all Hereditaments, Estates, and Interests which may be purchased in pursuance of this Act shall be conveyed, assigned, and assured to or in Trust for Her Majesty, Her Heirs and Successors, in such Manner and Form as the said Commissioners shall direct, and the same shall from thenceforth become Part of the Land Revenue of the Crown within the ordering and Survey of Her Majesty's Court of Exchequer, and shall be subject to the Powers and Provisions of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in* England; *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney; and the Purchase Monies for the Hereditaments, Estates, and Interests respectively so to be purchased as aforesaid shall be paid and discharged by the said Commissioners out of Monies in their Hands by the said last-mentioned Act made applicable to the Purchase of Lands and Tenements as therein mentioned.

10 G. 4. c. 50.

Bodies Politic, Trustees, and other Persons empowered to sell and convey, &c.

IX. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life, or for Years, absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf, not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also, where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any Tenements or Hereditaments which by the said last-named Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same, and every or any Part thereof, to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person or Persons as a Trustee or Trustees on behalf of Her Majesty, Her Heirs and Successors, as the said last-named Commissioners for the Time being, or any Two of them, shall direct; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in Law; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they, he, or she, or any of them, shall respectively make by virtue or in pursuance of this Act.

Satisfaction to be made, and may be accepted.

X. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons herein-before capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof, and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises, entitled to any Compensation for Tenants Fixtures, or for any other Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall

shall be agreed upon between them respectively, and the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty; and in case the said Commissioners and the said Parties interested in such Tenements or Hereditaments, or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

XI. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons, who shall be the Owners and Occupiers of such Tenements or Hereditaments, or, in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenement or Tenements, or shall be affixed upon the same Premises, (and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell,) all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons, seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver or cause to be delivered to the said last-named Commissioners for the Time being, by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to or to be authorized to receive in satisfaction or recompence for and of the Goodwill and Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive in satisfaction or discharge for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for such Goodwill and Improvements, and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned.

XII. And be it enacted, That if any Owners or Proprietors, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons, seised, possessed of, or interested in any Houses, Buildings, Ground, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners, on behalf of Her Majesty, are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the Sheriff of *Middlesex*, or his Under Sheriff, or in case such Sheriff or Under Sheriff shall be in anywise interested in the Matter in question, then some One of the Coroners of the County of *Middlesex*, not interested therein, shall, upon the Warrant of the said Commissioners, in manner herein-after mentioned, and he or they is and are hereby required and authorized to cause it to be inquired into and ascertained, upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Middlesex*, which Oaths the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered and required to administer, what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Grounds, Tenements, or Hereditaments, and of the proportionate Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Ground, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff or Coroner is and are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to administer); and such Sheriff, Under Sheriff, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; and after the said

Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Order, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, or Coroner, to summon, impannel, and return, in some convenient Place in the said County of *Middlesex*, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least, in Writing, under the Hands of the said Commissioners or any Two of them, of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the Sheriff, Under Sheriff, or Coroner respectively, and such Person shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of an Estate is taken, the Remainder to be valued.

XIII. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the Whole thereof, or of his or her Interest in the Whole thereof, and it shall not be found necessary to take the Whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners, on behalf of Her Majesty, for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of Compensation claimed.

XIV. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of the meeting of such Jury.

Penalty on Sheriff, Jury, and Witnesses for Neglect of Duty.

XV. And be it enacted, That if the Sheriff, Under Sheriff, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her

her the Overplus of the Money thereby produced, if any, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Jury shall, if required, assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XVI. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Verdict of Value of Lands and Damages to be ascertained separately.

XVII. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of the Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss or Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up give sufficient Particulars to enable the said Commissioners to make a proper Offer.

Providing for Expences of Jury.

XVIII. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money, as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of the Person or Persons in any such Houses, Buildings, Ground, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, on behalf of Her Majesty, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners, on behalf of Her Majesty; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same, before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, or Coroner in manner aforesaid, shall be paid to the said Commissioners, on behalf of Her Majesty, by the said Body or Bodies Corporate or Collegiate, or other Person or Persons so claiming such Compensation, or refusing to treat and agree as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners, on behalf of Her Majesty, shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money, or no sufficient Sum of Money, shall be awarded or assessed to be paid by the said Commissioners, on behalf of Her Majesty, whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person

Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

Verdicts to be recorded.

XIX. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of Land Revenue Records and Inrolments, and entered in the Office of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Middlesex*, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for each such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

Commissioners empowered to purchase the Whole of Premises, if the Owners are unwilling to sell a Part.

XX. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners, on behalf of Her Majesty, and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the Whole, or such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners shall see fit for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the Whole, or such Part thereof as aforesaid, of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Persons holding Property under Leases to produce the same.

XXI. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling Disputes as to Damages to a small Amount.

XXII. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Middlesex*, and who, upon Application made to them by both or either of the said Parties, shall examine into the Matters in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, on behalf of Her Majesty, and such Magistrates may examine Witnesses, and administer Oaths, in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXIII. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession, on behalf of Her Majesty, or pull down, any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners empowered to take possession, on Payment of Purchase Money into the Bank of England.

XXIV. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenements or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England*, as herein-after directed and required, (in case the same shall be requisite,) for the Use of such Person or

Persons

Persons so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and in Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, into and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part or Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, Interests, Liens, Claims, and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same, by Lease and Release, Bargain and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every such Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations in this Act mentioned and contained.

Application of Purchase Money when amounting to 200*l.*

XXV. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic or Corporate or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the "Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and Indorsements thereon, and likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Houses, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses, Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing and undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchases or Settlement were made.

12 G. 1. c. 32.

12 G. 2. c. 24.

When less than 200*l.* and amounting to 20*l.* or

XXVI. Provided also, and be it enacted, That if any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein,

or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General to the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 20*l.*

XXVII. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XXVIII. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interest, or Charges, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise, the Person in possession shall be deemed entitled, until the contrary be shown.

XXIX. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, and upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Ground, Tenements, and Hereditaments, Parts, Shares, Estates, Interest, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses,

Buildings,

Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein, or Charge thereon.

Court may order Expences of Purchases to be paid by the Commissioners.

XXX. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order so much of the Expences of any Purchase to be made in pursuance of this Act as the said Court shall deem reasonable to be paid by the said Commissioners, who shall pay the same out of the Monies applicable to the Purposes of this Act, as the said Court shall direct.

When the Title is defective by reason of a Rent payable out of other Estates as well as Hereditaments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

XXXI. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments, for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and be awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the Court of Chancery, to be signified, by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made, and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase the Release of Hereditaments wanted from Rents charged thereon, or to apportion the same.

XXXII. And be it enacted, That where any Tenements or Hereditaments purchased, or wanted or intended to be purchased, by the said Commissioners on behalf of Her Majesty, shall be subject, solely or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent Service, Rent Charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, to agree for the Release of the Tenements or Hereditaments so purchased, or wanted or intended to be purchased, from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all

Persons and Corporations by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased, or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased, or wanted or intended to be purchased, by the said Commissioners; and all Contracts which shall be made by and between the said Commissioners, on behalf of Her Majesty, and any such Party as aforesaid, respecting such Release, shall be valid and effectual in the Law; and all Conveyances and Assurances which shall be made to Her Majesty, Her Heirs and Successors, respecting such Release, shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be, a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners on behalf of Her Majesty therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Land so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments, by the said Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose, by any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments only subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on Leases to be apportioned.

XXXIII. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenement or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden; and any Person hereby capacitated to sell, who shall be a Lessor, shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Rent so apportioned, in respect of the Tenements or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease, and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but not farther or otherwise, continue in full Force and Operation.

XXXIV. And

Mortgagees to convey to Her Majesty.

XXXIV. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right, or in Trust for any other Body or Bodies, Person or Persons, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage, or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose,) immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required, to the Queen's most Excellent Majesty, Her Heirs or Successors, or to such Person as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the Queen's most Excellent Majesty, Her Heirs and Successors, or as the said Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Chancery, as hereinafter mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or for whom he shall be Trustee, shall vest in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

XXXV. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners, on behalf of Her Majesty, on the other Part, and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend, and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing to convey, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of a like Nature; and such

Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the Whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the Queen's Majesty, Her Heirs and Successors, have been paid to the Mortgagee or Mortgagees thereof, in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, at the Time of executing such Assignment or Conveyance to Her Majesty, and shall be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XXXVI. And be it enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in possession of any such Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in Her Majesty for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing signed by the said Commissioners shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation the same shall or may be settled and ascertained by a Jury, in the same Manner as the Sums of Money to be paid for the Purchase of any Ground or Hereditaments are herein-before directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree, the same may be settled by a Reference to the Award of Arbitrators to be chosen by the Parties in difference; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part of any Houses, Buildings, Ground, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in Her Majesty for any of the Purposes aforesaid, shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever under or by virtue whereof any such Person or Persons shall hold the said Premises shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none effect as against Her Majesty, Her Heirs and Successors, or the said Commissioners; and if any such Tenant at Will, or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the County of *Middlesex* to issue his Precept or Warrant to the Constables of the said County, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, by such Commissioners, on behalf of Her Majesty, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Persons authorized to sell may refer to Arbitrators to fix the Price.

XXXVII. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners, on behalf of Her Majesty, to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement shall be in all respects binding and effectual.

XXXVIII. And

Power to clear the Ground, and sell old Materials.

XXXVIII. And be it enacted, That it shall be lawful for the said Commissioners, on behalf of Her Majesty, and they are hereby empowered, to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof, after deducting the Expences of pulling down such Houses and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied or disposed of for or towards the Purposes of this Act, or any of them.

Punishing Persons for giving false Evidence.

XXXIX. And be it enacted, That all Persons who, upon any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in force subject and liable to.

Sewers or Drains to be arched over or filled up.

XL. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to cause to be arched over, in such Manner as they shall think proper, so much and such Part of the said Watercourse leading from the *Serpentine* River to the River *Thames* as they shall think requisite and necessary, for the Purpose of constructing over the same the said intended new Entrance into *Hyde Park*, and the Approach thereto from the *Knightsbridge* Road aforesaid, and also to fill in all such other Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said several Entrances, Roads, or Ways to be made as aforesaid, as shall appear necessary for completing the Purposes of this Act, so as that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof, equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, as aforesaid, the said Commissioners shall cause to be made and built other good and sufficient Sewers and Drains, to be approved by the Commissioners of Sewers, of the same or greater Size or Capacity, and upon the same or lower Levels, than the Sewers or Drains which shall be filled up; and, when made and completed, the said respective Sewers and Drains shall be under the Jurisdiction, Care, Management, and Direction of the Commissioners of Sewers of the District in which the same shall be; provided also, that in case the said Commissioners of Sewers shall require any Sewer or Drain, or any Part or Parts of any Sewer or Drain, that may be destroyed or altered under the Authority of this Act, to be rebuilt or remade of larger Capacity than the ordinary Size generally used by the Commissioners of Sewers, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, of such Desire, before such Sewer or Drain shall be begun to be rebuilt or altered, then and in every such Case such Sewer or Drain shall be rebuilt or remade of such enlarged Dimensions as the said Commissioners of Sewers may require, and such Commissioners of Sewers shall bear and pay the Difference in Expence that may be occasioned by such enlarged Capacity; and in case any Difference shall arise as to the Sum to be paid by the said Commissioners of Sewers, then it shall be referred to the Decision of Two Arbitrators, or, if they shall differ, to an Umpire, to be named by the Two Arbitrators, one of such Arbitrators to be named by the said Commissioners of Sewers, and the other by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Extra-parochial Ground assigned in Portions to the Parishes of Kensington and Paddington.

XLI. And be it enacted, That from and after the making and Completion of the said intended new Road and Carriageway over the said triangular Piece of Ground described in this Act as containing about Three Acres, lying on the Confines of the several Parishes of *Saint Mary Abbotts Kensington* and *Saint Mary Paddington*, and reputed to be extra-parochial, a Line drawn lengthwise along the Centre of the said Road and Carriageway shall, to the Extent of the said Piece of Ground, be the Boundary Line between the said respective Parishes of *Saint Mary Abbotts Kensington* and *Saint Mary Paddington*, and so much and such Part of the said Piece of Ground as will lie on the Western Side of the said Boundary Line shall be and be deemed for all Intents and Purposes an integral Part of the said Parish of *Saint Mary Abbotts Kensington*, and so much and such Part thereof as shall lie on the Eastern Side of the said Boundary Line shall be and be deemed for all Intents and Purposes an integral Part of the said Parish of *Saint Mary Paddington* in the said County of *Middlesex*.

Saving the Rights of Commissioners of Sewers.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, or be held or construed to prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in or belonging to the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, other than such as are expressly controlled or suspended by this Act, but that all such Rights, Privileges, Jurisdictions, Powers, and Authorities, other than as aforesaid, shall be as good, valid, and effectual as if this Act had not been passed.

Public Act.

XLIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which this Act refers.

Premises.	Parish.	Freeholders.	Leaseholders.	Occupiers.
		Knightsbridge Opening.		
Vacant Ground, &c. West of the Sewer.	Saint Margaret Westminster.	The Crown -	Thomas Cubitt -	Thomas Cubitt.
N° 25, Park Side, Knightsbridge.	Saint George Hanover Square.	Ditto - -	Frances Mary Anne Blood, Thomas and James Goding.	James Sanders.
N° 24, Ditto -	Ditto - -	Ditto, and the Dean and Chapter of Westminster.	Ditto - -	Joseph Sims.
N° 24, Ditto, Ticket House.	Ditto - -	Ditto - -	Ditto - -	Lewis Levi.
N° 23, Ditto -	Ditto - -	Ditto - -	Ditto - -	George Cyrus Lewis, Henry Bayes.
N° 1, White Hart Court.	Ditto - -	The Crown -	Ditto - -	Phœbe Cox.
N° 2, Ditto -	Ditto - -	Ditto - -	Ditto - -	Elizabeth Maskell.
The Sewer or Watercourse leading from the Serpentine River to the River Thames.	Ditto, and Saint Margaret Westminster.	Ditto - -	- - -	The Commissioners of Sewers for Westminster and Part of the County of Middlesex.
		Kensington Opening.		
N° 14, High Street, Kensington.	Saint Margaret, Westminster.	The Honourable Mrs. Warde.	Frederick Wilson Sutton, Executor of William Head; James Pollard, William Pollard, John Glaisyer, Executors of Samuel Pollard; William Treadwell, William Plant, Thomas Crake Ingledew.	Thomas Crake Ingledew.
N° 15, Ditto -	Ditto - -	Ditto - -	Frederick Wilson Sutton, Executor of William Head; Esther Paterson, Isabella Paterson, James Tomlin, George Haines.	James Tomlin.
Brewhouse at the Back of N° 14, High Street.	Ditto - -	Ditto - -	Frederick Wilson Sutton, Executor of William Head; James Pollard, William Pollard, John Glaisyer, Executors of Samuel Pollard; William Treadwell, Thomas Hagen.	Thomas Hagen.

CAP. XX.

An Act to extend an Act passed in the Fourth and Fifth Years of Her present Majesty, for enabling Her Majesty's Commissioners of Woods to purchase certain Lands for *Victoria Park*.

[13th *May* 1842.]

'WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to complete the Contract for the Sale of* York House, *and to purchase certain Lands for a Royal Park*, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being were empowered, on behalf of Her Majesty, to purchase certain Lands and Hereditaments therein mentioned, and containing in the whole about Two hundred and ninety Acres, with the Houses and Buildings thereon, as or for the Site of a Royal Park, to be called "*Victoria Park*," in the Parishes of *Saint John Hackney*, *Saint Matthew Bethnal Green*, and *Saint Mary Stratford-le-Bow*, or some or one of them, in the County of *Middlesex*; and to enable the said Commissioners, on behalf of Her Majesty, to purchase and acquire, and effectually to vest in Her Majesty, Her Heirs and Successors, the said Lands and Hereditaments, it is necessary and expedient that the Powers and Provisions of the said recited Act should be extended and enlarged:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Maps or Plans already made, describing the Site or intended Site and Boundaries or intended Boundaries of *Victoria Park*, after the same shall have been authenticated in Duplicate by the Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in the Office of Land Revenue Records and Enrolments respectively, and the Maps or Plans so authenticated and deposited shall remain in such Offices respectively, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure on paying the Sum of One Shilling for every such Inspection.

4 & 5 Vict. c. 27.

Maps or Plans of Victoria Park to be deposited at the Office of Woods, and at the Land Revenue Record Office.

II. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in making, forming, and completing *Victoria Park*, shall not deviate more than Fifty Yards from the Lines described in the aforesaid Maps or Plans as the Boundaries or intended Boundaries of the said Park, without the Consent of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

No Deviation to be made from such Plans without Consent.

III. And be it enacted, That it shall be lawful for the said last-named Commissioners to stop up, divert, widen, or alter all or any of the Roads, Ways, Paths, or Passages which now lead into, upon, through, across, or over any Part or Parts of the Site or intended Site of *Victoria Park*, and to set out and make in lieu thereof or in addition thereto such other Roads, Ways, Paths, or Passages as to the said Commissioners may seem fit and necessary, and to make and form such convenient Approaches to the said Park as the said last-named Commissioners may deem suitable and proper; and the Ground and Soil of such Roads, Ways, Paths, or Passages as shall be so stopped up, and the Fee Simple and Inheritance thereof, shall be and the same is hereby vested in Her Majesty, Her Heirs and Successors, for the Purposes of this Act and the said recited Act.

Power to stop up and alter Roads, and to make Approaches to the Park.

IV. And be it enacted, That for the Purpose of making, forming, and completing the said Park it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and they are hereby authorized and empowered, to take and use, or cause to be taken and used, any Lands, Tenements, or Hereditaments, and pull down and remove, or cause to be pulled down and removed, any Houses or Buildings which they may deem necessary and expedient to take, use, or pull down and remove for the Purposes of this Act or of the said recited Act, at any Time at the Expiration of Six Calendar Months after Notice in Writing from the said last-named Commissioners, or their Agent duly authorized, of the Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons, who shall be the Owners and Occupiers of such Tenements or Hereditaments, or, in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditaments, or shall be fixed upon the same Premises; and for the Purposes of this Act or of the said recited Act the Owner shall be any Person hereby capacitated to sell.

Power to take Lands and Houses.

V. Provided always, and be it enacted, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act or of the said recited Act, except such as are mentioned in the Schedule hereunto annexed, or as are situated within the Limits of the Deviation herein-before authorized, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

No House to be taken without Consent, unless in the Schedule.

VI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase, take down, and use, for the Purposes of this Act or of the said recited Act, any of the Houses, Buildings, Lands, and other Hereditaments described in the said Plan or Plans to be deposited as aforesaid as intended to be taken for the Purposes of this Act or of the said recited Act, although the same Houses, Buildings, Lands, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any

Houses and Lands may be taken, notwithstanding Errors in the Schedule.

any Two or more Justices of the Peace for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to enter and survey Houses and Lands.

VII. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Daytime, upon giving Notice in Writing for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the said Lands, Tenements, and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Lands, Tenements, or Hereditaments, for the Damages that shall be thereby occasioned.

Commissioners empowered to treat for the Purchase of Lands.

VIII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and they are hereby empowered to treat and agree for the Purchase of any Lands, Tenements, and Hereditaments which they may deem necessary, for the Purposes of this Act or of the said recited Act, to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and for that Purpose to enter into any Contract or Contracts which they may think fit.

Bodies Politic and Trustees empowered to sell and convey.

IX. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life, or for Years, absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, and conveying the same, and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right to any such Lands, Tenements, or Hereditaments, or to Dower or other Interest therein, on behalf, not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also, where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Lands, Tenements, or Hereditaments, and to and for all and every other Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments which by the said last-named Commissioners shall be thought necessary for any of the Purposes of this Act or of the said recited Act, to contract for, sell, and convey the same and every or any Part thereof to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person or Persons, as a Trustee or Trustees on behalf of Her Majesty, Her Heirs and Successors, as the said last-named Commissioners for the Time being, or any Two of them, shall direct; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, as aforesaid, shall be valid and effectual in Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale, which they, he, or she, or any of them, shall respectively make by virtue or in pursuance of this Act or of the said recited Act.

Satisfaction for the Value of Lands taken may be accepted.

X. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons, herein-before capacitated to contract for, sell, and convey any such Lands, Tenements, or Hereditaments as aforesaid, and any other Owner or Owners of any such Lands, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof, and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises entitled to any Compensation for Tenant's Fixtures, or for any other Injury or Damage as shall be sustained on account of the Execution of this Act or of the said recited Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty; and in case the said Commissioners and the said Parties interested in such Lands, Tenements, or Hereditaments, or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation,

Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Parties to deliver Statements of their Claims within One Month after Notice.

XI. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, or their Agent duly authorized, of the Intention to take or use any Lands, Tenements, or Hereditaments, or any Part thereof, for the Purposes of this Act or of the said recited Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons, seised, possessed of, or interested in, or authorized by this Act or by the said recited Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act or of the said recited Act, shall deliver or cause to be delivered to the said last-named Commissioners for the Time being, by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to or to be authorized to receive in Satisfaction or Recompence for, and of the Goodwill and Improvements which may be lost, and of the Fixtures, and of the Injury or Damage (if any) sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive in Satisfaction or Discharge for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for such Goodwill and Improvements, and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned.

XII. And be it enacted, That if any Owners or Proprietors, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons, seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners, on behalf of Her Majesty, are hereby or by the said recited Act empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the Sheriff of *Middlesex*, or his Under Sheriff, or in case such Sheriff or Under Sheriff shall be in anywise interested in the Matter in question, then some One of the Coroners of the County of *Middlesex* not interested therein, shall, upon the Warrant of the said Commissioners, in manner herein-after mentioned, and he or they is and are hereby required and authorized, to cause it to be inquired into and ascertained, upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Middlesex*, which Oaths the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered and required to administer, what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Lands, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever, that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what, in the Opinion of such Jury, the same would have been worth in case the Alterations or Improvements intended by this Act or the said recited Act had not been in contemplation; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase in Value of the Residue of any Property of which such Lands, Tenements, or Hereditaments shall form Part; and in order thereto the said Sheriff or Coroners is and are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to administer); and such Sheriff, Under Sheriff, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Order, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, or Coroner to summon, impannel, and return, at some convenient Place in

the said County of *Middlesex*, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least, in Writing under the Hands of the said Commissioners or any Two of them, of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered and required to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid,) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the Sheriff, Under Sheriff, or Coroner respectively; and such Persons shall also have their lawful Challenge against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of an Estate is taken, the Remainder to be valued.

XIII. And be it enacted, That if the Owner, Lessee, or Occupier of any Lands, Tenements, or Hereditaments authorized to be taken by virtue of this Act or of the said recited Act shall not be inclined to sell or part with the Whole thereof, or of his or her Interest in the Whole thereof, and it shall not be found necessary to take the Whole for the Purposes of this Act or of the said recited Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises, according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which shall remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act or of the said recited Act, and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made, and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners, on behalf of Her Majesty, for that Part which they shall have occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of Compensation claimed.

XIV. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act or of the said recited Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of the meeting of such Jury.

Penalty on Sheriff, Jury, and Witnesses for Neglect of Duty.

XV. And be it enacted, That if the Sheriff, Under Sheriff, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act or of the said recited Act.

Jury shall, if required, assess Value of Fee Simple, and then apportion the Values of respective

XVI. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Lands, Tenements, or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed, and also between different Parts of the said Lands, Tenements, or Hereditaments alleged to be held under different Titles:

Provided

Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same. Interests therein.

XVII. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of the Lands, Tenements, or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants, of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up, give sufficient Particulars to enable the said Commissioners to make a proper Offer. Verdict of Value of Lands and Damages to be ascertained separately.

XVIII. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money, as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of the Person or Persons in any such Lands, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners on behalf of Her Majesty, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners on behalf of Her Majesty; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall have been given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or of the said recited Act, or otherwise, legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, or Coroner in manner aforesaid, shall be paid to the said Commissioners, on behalf of Her Majesty, by the said Body or Bodies Corporate or Collegiate, or other Person or Persons, so claiming such Compensation, or refusing to treat and agree, as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners, on behalf of Her Majesty, shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money, or no sufficient Sum of Money, shall be awarded or assessed to be paid by the said Commissioners, on behalf of Her Majesty, whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted. Providing for Expences of Jury.

XIX. And be it enacted, That all the said Judgments and Verdicts shall be recorded in the Office of Land Revenue Records and Enrolments, and a Minute or Docquet thereof respectively entered in the Office of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Middlesex*, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Verdicts to be recorded.

Persons shall have Liberty to inspect the same, paying for each such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

Commissioners to purchase the Whole if the Owners decline to sell a Part of a House, &c.

XX. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners, on behalf of Her Majesty, and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the Whole, or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners shall see fit for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the Whole, or such Part thereof as aforesaid, of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Persons holding Property under Leases to produce the same.

XXI. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments intended to be taken or used under the Authority of this Act or of the said recited Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

Conveyance of Copyhold Land to be enrolled.

XXII. And with respect to any Lands, Tenements, or Hereditaments which shall be of Copyhold or Customary Tenure, or of the Nature thereof, be it enacted, That every Conveyance of any such Lands, Tenements, or Hereditaments to a Trustee or Trustees on behalf of Her Majesty, Her Heirs and Successors, shall be entered on the Rolls of the Manor or Manors of which the same shall be held or Parcel, and on Payment to the Steward of the Manor of such Fees as would be due to him on the Surrender of the same Lands, Tenements, or Hereditaments to the Use of a Purchaser thereof, he shall make such Inrolment, and every such Conveyance, when so inrolled, shall have the like Effect, in respect of such Copyhold or Customary Lands, Tenements, or Hereditaments, as if the same had been of Freehold Tenure.

Copyhold Lands to be enfranchised.

XXIII. And be it enacted, That before the said Commissioners, on behalf of Her Majesty, shall make use of any such Copyhold or Customary Lands, Tenements, or Hereditaments for the Purposes of the said Park, they shall procure the same to be enfranchised, and for that Purpose they shall, with all reasonable Speed after the Enrolment of the Conveyance thereof, apply to the Lord or Lords, Lady or Ladies of the Manor or Manors whereof such Lands are held, to enfranchise the same, and shall pay to him, her, or them such Compensation in respect thereof as shall be agreed upon between the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and the Lord or Lords, Lady or Ladies of such Manor or Manors; and if the Parties fail to agree respecting the Amount of the Compensation to be paid for such Enfranchisement the same shall be determined as in other Cases of disputed Compensation, and in estimating such Compensation the Loss in respect of Fines, Heriots, and other Services payable on Death, Descent, or Alienation, which will be lost by the vesting such Copyhold or Customary Lands, Tenements, or Hereditaments in Her Majesty, Her Heirs and Successors, or in a Trustee or Trustees on behalf of Her Majesty, Her Heirs and Successors, or by the Enfranchisement of the same, shall be allowed for.

Lords of Manors to enfranchise on Payment of Compensation.

XXIV. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined the Lord or Lords, Lady or Ladies of the Manor or Manors whereof such Copyhold or Customary Lands, Tenements, or Hereditaments shall be holden shall enfranchise such Lands, Tenements, or Hereditaments, and the Lands, Tenements, or Hereditaments so enfranchised shall for ever thereafter be vested in Her Majesty, Her Heirs and Successors; and if, upon such Payment or Tender to the Lord or Lords, Lady or Ladies of such Manor or Manors, he, she, or they fail to enfranchise such Lands, or fail to produce a good Title to the Manor or Manors whereof such Lands, Tenements, or Hereditaments shall be holden or Parcel, the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, shall pay the Amount of such Compensation into the Bank of *England*, in manner required in other like Cases of Monies required to be deposited, and thereupon such Lands, Tenements, or Hereditaments shall be deemed to be enfranchised, and well and effectually vested in Her Majesty, Her Heirs and Successors for ever.

Apportionment of Copyhold Rents.

XXV. And be it enacted, That if any such Copyhold or Customary Lands, Tenements, or Hereditaments be subject to any Customary or other Rent, and Part only of the Lands, Tenements, or Hereditaments

ments subject to any such Rent be required to be taken for the Purposes of this Act or the said recited Act, the Apportionment of such Rent may be settled by Agreement between the Owner of the Lands, and the Lord or Lords, Lady or Ladies of the Manor or Manors, on the one Part, and the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, on the other Part, and if such Apportionment be not so settled by Agreement, then the same shall be settled by Two Justices, and the Enfranchisement of any Copyhold or Customary Lands, Tenements, or Hereditaments taken by virtue of this Act or the said recited Act, or Apportionment of such Rents, shall not affect in other respects any Custom by or under which any such Copyhold or Customary Lands, Tenements, or Hereditaments not taken for the Purposes of this Act or the said recited Act shall be held; and if any of the Lands, Tenements, or Hereditaments so required be released from any Portion of the Rents to which they were subject jointly with any other Lands, Tenements, or Hereditaments, such last-mentioned Lands, Tenements, or Hereditaments shall be charged with the Remainder only of such Rents; and with reference to any such apportioned Rents, the Lord or Lords, Lady or Ladies of the Manor or Manors, shall have all the same Rights and Remedies over the Lands, Tenements, or Hereditaments to which such apportioned Rents shall have been assigned or attributed as he had previously over the whole of the Lands, Tenements, or Hereditaments subject to such Rents for the whole of such Rents.

For settling Disputes as to Damages of a small Amount.

XXVI. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act or of the said recited Act, as to the Amount or Value of the Damage done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act or of the said recited Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace of the County of *Middlesex*, and who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, on behalf of Her Majesty; and such Magistrates may examine Witnesses, and administer Oaths, in all respects and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners not to take possession till Purchase Money is either paid or tendered.

XXVII. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession, on behalf of Her Majesty, or pull down, any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act or of the said recited Act.

Commissioners may take possession on Payment of Purchase Money into the Bank of England.

XXVIII. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded, by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested in or entitled as aforesaid, such Lands, Tenements, or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and in Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, Interests, Liens, Claims, and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates, in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations in this Act and the said recited Act mentioned and contained.

XXIX. And

Application of Purchase Money when amounting to 200*l.*

XXIX. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act or of the said recited Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings," pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and Indorsements thereon, and likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Money shall remain so deposited until the same be applied, under the Direction of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing and undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

12 G. 1. c. 32.

12 G. 2. c. 24.

When less than 200*l.* and amounting to 20*l.*

XXX. Provided also, and be it enacted, That if any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where less than 20*l.*

XXXI. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXII. And

In case of not making out Titles, &c.

XXXII. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Lands, Tenements, or Hereditaments, or any Parts, Shares, Estates, or Interests therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interest, or Charges, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise, the Person in possession shall be deemed entitled until the contrary be shown.

XXXIII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Lands, Tenements, or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Hereditaments, Parts, Shares, Estates, Interest, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court may order Expences of Purchases to be paid by the Commissioners.

XXXIV. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order so much of the Expences of any Purchase to be made in pursuance of this Act as the said Court shall deem reasonable to be paid by the said Commissioners, who shall pay the same out of the Monies applicable to the Purposes of this Act, as the said Court shall direct.

When the Title is defective by reason of a Rent payable out of other Estates as well as required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

XXXV. And be it enacted, That where the Money awarded to be paid for any Lands, Tenements, or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Lands, Tenements, or Hereditaments to the Satisfaction of the said Commissioners or any Person or Persons authorized by them, by reason of the same Lands, Tenements, or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Lands, Tenements, or Hereditaments so to be taken, then and in every or any such Case the Lands, Tenements, or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges, under the Authority of this Act, shall be assessed and be awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body

Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled (subject, together with such other Lands, Tenements, or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Lands, Tenements, or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Lands, Tenements, or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto, and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Lands, Tenements, or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Lands, Tenements, or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Lands, Tenements, or Hereditaments, together with the other Lands, Tenements, or Hereditaments subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase the Release of Hereditaments wanted from the Rents charged thereon, or to apportion the same.

XXXVI. And be it enacted, That where any Lands, Tenements, or Hereditaments purchased, or wanted or intended to be purchased, by the said Commissioners, on behalf of Her Majesty, shall be subject, solely, or jointly with other Lands, Tenements, or Hereditaments, not intended or wanted to be purchased, to or with any Rent Service, Rent Charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, to agree for the Release of the Lands, Tenements, or Hereditaments so purchased, or wanted or intended to be purchased, from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands, Tenements, or Hereditaments purchased, or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Lands, Tenements, or Hereditaments jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Lands, Tenements, or Hereditaments purchased, or wanted or intended to be purchased, and of the Lands, Tenements, or Hereditaments not purchased, or wanted or intended to be purchased, by the said Commissioners, and all Contracts which shall be made by and between the said Commissioners, on behalf of Her Majesty, and any such Party as aforesaid, respecting such Release, shall be valid and effectual in the Law, and all Conveyances and Assurances which shall be made to Her Majesty, Her Heirs and Successors, respecting such Releases, shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that when the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Lands, Tenements, or Hereditaments so jointly subject, and the same shall in fact be, sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Lands, Tenements, or Hereditaments so purchased by the said Commissioners, on behalf of Her Majesty, therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Lands, Tenements, or Hereditaments so purchased therefrom, with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Lands, Tenements, or Hereditaments so purchased as aforesaid, from the Rent, Payment, or Incumbrance so affecting the same as aforesaid, jointly with other Lands, Tenements, or Hereditaments, on condition or in consideration of such other

Lands,

Lands, Tenements, or Hereditaments continuing or remaining wholly and exclusively subject to the Whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Lands, Tenements, or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Lands, Tenements, or Hereditaments, by the said Commissioners, such last-mentioned Lands, Tenements, or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose, by any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Lands, Tenements, or Hereditaments only subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on Leases to be apportioned.

XXXVII. And be it enacted, That in all Cases in which a Part only of any Lands, Tenements, or Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Lands, Tenements, or Hereditaments required for the Purposes of this Act, and the Residue of such Lands, Tenements, and Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and not be valid without, the Consent and Approbation of the Lessor from whom such Lands, Tenements, or Hereditaments are holden or agreed to be holden; and any Person hereby capacitated to sell, who shall be a Lessor, shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Lands, Tenements, or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Lands, Tenements, or Hereditaments shall have all such and the same Remedies for Rent so apportioned, in respect of the Lands, Tenements, or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Lands, Tenements, or Hereditaments, but not further or otherwise, continue in full Force and Operation.

Mortgagees to convey to Her Majesty.

XXXVIII. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Lands, Tenements, or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right, or in Trust for any other Body or Bodies, Person or Persons, and whether in possession of such Lands, Tenements, or Hereditaments by virtue of such Mortgage, or not, and whether such Mortgage shall affect such Lands, Tenements, or Hereditaments solely, or jointly with any other Lands, Tenements, or Hereditaments which shall be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption,) of and in the Lands, Tenements, or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Lands, Tenements, or Hereditaments which shall be so required, to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Lands, Tenements, or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Lands, Tenements, or Hereditaments which shall be so required for the Purposes of this Act, to the Queen's most Excellent Majesty, Her Heirs and Successors, or as the said

Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Chancery, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall, in either of the Cases aforesaid, neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Time of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

XXXIX. And be it enacted, That in all Cases in which any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Lands, Tenements, or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Lands, Tenements, or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Monies charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Lands, Tenements, or Hereditaments, or as the Case may be, of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, whether absolutely or for such Estate as might capacitate him, her, or them to convey, for the Purposes of this Act, on the one Part, and the said Commissioners, on behalf of Her Majesty, on the other Part, and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend, and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Lands, Tenements, or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing to convey, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands, Tenements, or Hereditaments shall become absolutely vested in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Lands, Tenements, or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands, Tenements, or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the Queen's Majesty, Her Heirs and Successors, have been paid to the Mortgagee or Mortgagees thereof, in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to Her Majesty, and shall be signed by such Mortgagee or Mortgagees; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Lands, Tenements, or Hereditaments comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XL. And be it enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons, in possession of any such Lands, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in Her Majesty for the Purposes aforesaid, who shall have

have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the said Commissioners, shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby, and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury, in the same Manner as the Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments are herein-before directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Lands, Tenements, or Hereditaments, or any Part of any Lands, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in Her Majesty for any of the Purposes aforesaid, shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against Her Majesty, Her Heirs and Successors, or the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the County of *Middlesex* to issue his Precept or Warrant to the Constables of the said County, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same by such Commissioners, on behalf of Her Majesty, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Persons authorized to sell may refer to Arbitrators to fix the Price.

XLI. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners, on behalf of Her Majesty, to refer it to any Person or Persons to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground and sell old Materials.

XLII. And be it enacted, That it shall be lawful for the said Commissioners, on behalf of Her Majesty, and they are hereby empowered, to pull down, or cause to be pulled down, all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof, after deducting the Expences in pulling down such Houses and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act or of the said recited Act, or any of them.

Sewers or Drains to be arched over or filled up.

XLIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby empowered, to cause to be arched over or filled up all such Sewers, Drains, and Watercourses, or Part or Parts thereof, which shall lie and be in or near the said Park or intended Park, as shall appear to them necessary for completing the Purposes of this Act, so as that no public Sewer or Drain, or any private Drain, shall be disturbed, injured, or prejudiced without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, as aforesaid, the said Commissioners shall cause to be made and built other good and sufficient Sewers or Drains, to be approved of by the said Commissioners of Sewers, of the same or greater Size or Capacity, and upon the same or lower Levels, than the Sewers or Drains which shall be filled up, and when made and completed the said respective Sewers and Drains shall be under the Jurisdiction, Care, Management, and Direction of the Commissioners of Sewers of the District in which the same shall be: Provided also, that if the said Commissioners of Sewers shall require any Sewer or Drain, or Part or Parts of any Sewer or Drain, that may be destroyed or altered under the Authority of this Act,

to be re-built or re-made of enlarged Capacity, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of such Desire, before such Sewer or Drain shall be re-built or re-made of such enlarged Dimensions as the said Commissioners of Sewers may require, and such Commissioners of Sewers shall bear and pay the Difference in Expence that may be occasioned by such enlarged Capacity; and in case any Difference shall arise as to the Sum to be paid by the said Commissioners of Sewers, then it shall be referred to the Decision of Two Arbitrators, or, if they differ, to an Umpire to be named by the Two Arbitrators, one of such Arbitrators to be named by the said Commissioners of Sewers, and the other by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Punishing Persons for giving false Evidence.

XLIV. And be it enacted, That all Persons who, upon any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any Jury, or before any Justice of the Peace, acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in force subject and liable to.

Limitation of Power of purchasing Lands.

XLV. And be it enacted, That if the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, shall not, within the Space of Seven Years, to be computed from the passing of this Act, purchase or take the Lands, Tenements, and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to take and use or purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for compulsory Purchase shall cease.

Power of purchasing Lands for Roads, &c. to the Park, with Consent.

XLVI. 'And whereas when the said Park has been made it may be found desirable to form new Roads, 'Avenues, or Approaches thereto, in addition to those now existing or herein-before specially provided 'for, and it is therefore expedient that the Commissioners for the Time being of Her Majesty's Woods, 'Forests, Land Revenues, Works, and Buildings should be empowered to take, use, or acquire any 'Lands, Messuages, Tenements, or Hereditaments that may be found necessary for the Purpose of 'making such Roads, Avenues, or Approaches to the said Park;' be it therefore enacted, That all the Clauses and Provisions herein-before contained for authorizing the said Commissioners to take and use or acquire, and all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, Feoffees in Trust, Tenants for Life or Years, Executors, Administrators, Guardians, Husbands, Committees, Femes Covert, and all other Trustees and Persons, to convey the Lands, Messuages, Tenements, or Hereditaments mentioned or described in the Schedule to this Act, shall extend and be applicable to any Lands, Messuages, Tenements, or Hereditaments which the said Commissioners, with the Consent of the Lord High Treasurer for the Time being, or any Three of the Commissioners for the Time being of Her Majesty's Treasury, shall think proper or expedient to be acquired for the Purpose of making, forming, and completing such new Roads, Avenues, or Approaches as aforesaid to the said Park; provided that nothing herein contained shall authorize the said Commissioners to take or use any Lands, Messuages, Tenements, or Hereditaments, for the Purpose of making such new Roads, Avenues, or Approaches, against the Consent of the Parties interested in such last-mentioned Lands, Messuages, Tenements, or Hereditaments, and hereby authorized and empowered to convey the same.

Commissioners exempted from personal Responsibility.

XLVII. And be it enacted, That nothing contained in this Act, or to be contained in any Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument entered into, made, taken, or executed by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any of them, or by any Trustee or Trustees on behalf of Her Majesty, Her Heirs or Successors, in execution of the Powers of this Act or the said recited Act, shall extend to charge the Persons or Person of all or any of the Commissioners, Trustee or Trustees, executing any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, Trustee or Trustees, or any of them, or their or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument to be contained, on the Part of the same Commissioners, Trustee or Trustees, or any of them, but the Amount of all Sums, Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity, against them the said Commissioners, Trustee or Trustees, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners, Trustee or Trustees, or any of them, or their or any of their Heirs, Executors, or Administrators, shall bear, pay, expend, or be put to, or which shall be occasioned to them for or by reason or means of any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised, arise, or be received from the Possessions and Land Revenues of the Crown.

Act to be taken as Part of 4&5 Vict. c. 27.

XLVIII. And be it enacted, That this Act shall be taken to be a Part of the said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty.

Public Act.

XLIX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE referred to in and by this Act.

Description.	Parish.	Freeholders or Copyholders.	Leaseholders.	Occupiers.
Grazing Land, known as Bonner's Fields, South of the Bishop's Road.	St. Matthew Bethnal Green.	Henry Clutterbuck, Esquire, M.D., Henry Dickinson, Esquire, Benjamin Harrison, Esquire, Henry Rouse, Esquire, the Reverend Thomas Whalley Wickham, Trustees of Robinson's Charity.	- - -	John Ridge.
No 1, Bonner's Hall. The Bonner's Arms Beer House.	Ditto -	Ditto - -	- - -	Mary Salter.
No 2, Bonner's Hall	Ditto -	Ditto - -	- - -	Ellen Bell.
No 3, Ditto -	Ditto -	Ditto - -	- - -	Matthew Habershon.
No 4, Ditto -	Ditto -	Ditto - -	- - -	Sarah Rodgers.
No 5, Ditto -	Ditto -	Ditto - -	- - -	Richard Moore.
No 6, Ditto -	Ditto -	Ditto - -	- - -	Sarah Gilbie.
Land South of the Bishop's Road.	St. Matthew Bethnal Green.	Captain Charles Sotheby.	John Ridge -	John Ridge.
Land North of the Bishop's Road.	Ditto -	Ditto - -	Ditto -	Ditto.
Land, Part Grazing Land and Part a Brickfield, North-east of the Regent's Canal.	St. John Hackney and St. Matthew Bethnal Green.	Ditto - -	Ditto -	Ditto.
Grazing Land West of Grove Street Lane.	St. Matthew Bethnal Green.	Sir James Flower, Baronet, Sir James Shaw, Baronet, Charles Wilson, Robert Whalley, Edward Colebatch, Alderman Thomas Johnson, Joseph Bishop, Benjamin Standring, George Wright, George Barker, John Annis, Thomas Carlisle Hayward, Richard Ellis, Joseph Colebatch, James Martin, William Christie, Thomas Cording, William Wood, Henry John White, James Richard Thompson, Edward Jones, Trustees of Sir John Cass's Charity.	William Carter, John Ridge.	Ditto.
No 1 and 2, York Place, near Valentine Corner. The Gardeners Arms Beer House and Tea Gardens.	Ditto -	Ditto - -	William Carter, John Crowfoot, William Fitch.	William Fitch.
No 3, York Place -	Ditto - -	Ditto - -	William Flood Minter.	Henry Warner.
No 4, Ditto -	Ditto -	Ditto - -	Ditto -	Mary Minter.
No 5, Ditto -	Ditto -	Ditto - -	Ditto -	Jonathan Higgins.

Description.	Parish.	Freeholders or Copyholders.	Leaseholders.	Occupiers.
No 6, York Place -	St. Matthew Bethnal Green.	Ditto - -	William Flood Minter.	Elizabeth Howard.
No 7, Ditto -	Ditto -	Ditto - -	Ditto -	William Flood Minter.
The Three Colts Tavern and Tea Gardens, Valentine Corner, near Grove Street, Hackney.	St. Matthew Bethnal Green.	Sir James Flower, Baronet, and Twenty others, as before stated, Trustees of Sir John Cass's Charity.	John Davis, John William M'Nab.	John William M'Nab.
A Dwelling House, Orchard, and Garden, West of Grove Street Lane.	Ditto -	Ditto - -	John Davis, Andrew German.	Nicholas Warren.
No 1, Valentine Corner.	Ditto -	Ditto - -	John Davis -	Richard Colley.
No 2, Ditto -	Ditto -	Ditto - -	Ditto -	William Runham.
No 3, Ditto -	Ditto -	Ditto - -	Ditto -	Thomas Coe.
A Farm House and Buildings on the West Side of the Grove Road, and North of Sir George Duckett's Canal.	Ditto -	Thomas Coxhead Marsh.	John Gardner -	John Gardner.
No 1, King's Arms Row, Old Ford Lane.	Ditto -	Ditto - -	Ditto -	John Gardner, or his weekly Tenants.
No 2, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 3, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 4, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 5, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 6, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 7, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
No 8, Ditto -	Ditto -	Ditto - -	Ditto -	Ditto.
A triangular Piece of Ground on the East Side of the Grove Road, and North Side of Sir George Duckett's Canal, used as a Market Garden.	Ditto -	Ditto - -	Ditto -	Ditto.
Land used as a Market Garden, with a Tenement and Barn thereon, South of Providence Row.	St. Matthew Bethnal Green and St. John Hackney.	The Trustees of the Spanish and Portuguese Jews Congregation.	- - -	John Cater.
Land used as a Market Garden, with a Dwelling House and Sheds thereon, North of Old Ford Lane, and West of Grove Street Lane.	Ditto -	William Bradshaw -	John Mandeno -	John Mandeno, James Byford.
A Dwelling House and Garden, near Providence Row.	St. John Hackney.	The Reverend Charles Carpenter, William Emberick, Executors of the Will of the late Mrs. Mary Ball.	- - -	Michael Horden Peake.

Description.	Parish.	Freeholders or Copyholders.	Leaseholders.	Occupiers.
Land used as Garden Ground, and a Tenement thereon, near Providence Row.	St. John Hackney	The Reverend Charles Carpenter, William Emberick, Executors of the Will of the late Mrs. Mary Ball.	William Ivory -	William Ivory.
Land used as Garden Ground, with a Tenement thereon, North of Sir George Duckett's Canal.	St. Matthew Bethnal Green.	John Ridge - -	- - -	James Batty.
Arable Land, South of Grove Street Lane.	St. Mary Stratford-le-Bow, and St. John Hackney.	Ditto - -	- - -	John Ridge.
Land for Grazing, North of Sir George Duckett's Canal.	St. Mary Stratford-le-Bow.	Sir George Duckett -	- - -	William Eagle.
Land used as Garden Ground, with a Dwelling House and Sheds thereon, South of Grove Street Lane.	St. John Hackney	William Thompson, Sarah Grant, Mary Wilson.	Mary Roberts -	Mary Roberts.
Ditto - -	St. John Hackney and St. Mary Stratford-le-Bow.	Ditto - -	Finley Fraser -	Finley Fraser.
Land used as Garden Ground, with a Dwelling House and Sheds thereon.	Ditto - -	Ditto - -	John Woodcock -	John Woodcock.
Ditto - -	Ditto -	Ditto - -	Mary Roberts -	Mary Roberts.
Ditto - -	Ditto -	Ditto - -	Alexander Leighton.	Alexander Leighton.
Land used as Garden Ground, with a Dwelling House and Sheds thereon, South of Grove Street Lane.	St. John Hackney	Ditto - -	John Greig -	John Greig.
Land used as Garden Ground, West of Old Ford Lane.	St. John Hackney and St. Mary Stratford-le-Bow.	Ditto - -	Thomas Rumball	Thomas Rumball.
Land used as Garden Ground, near Hackney Wick.	St. John Hackney	Samuel Mills, Esquire	Henry Lytton -	Henry Lytton.
Land for Grazing, near Hackney Wick.	Ditto -	Sarah Avila - -	- - -	John Lowe.
Land used for Grazing, with Tenement and Kiln thereon, North of Sir George Duckett's Canal.	St. Mary Stratford-le-Bow.	Isaac Bird - -	- - -	William Eagle.
Land for Grazing, North of Sir George Duckett's Canal, and West of Old Ford Lane.	Ditto -	The Right Honourable Charles Shaw Lefevre.	Michael Scales -	Michael Scales.

CAP. XXI.

An Act for raising the Sum of Nine millions one hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-two. [13th *May* 1842.]

CAP. XXII.

An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison. [31st *May* 1842.]

'WHEREAS the Prison of the Marshalsea of the Court of Queen's Bench is a Prison for Debtors and for Persons confined under the Sentence or charged with Contempt of Her Majesty's Court of Queen's Bench: And whereas the Fleet Prison is a Prison for Debtors and Bankrupts, and for Persons charged with Contempt of Her Majesty's Courts of Chancery, Exchequer, and Common Pleas: And whereas the Prison of the Marshalsea of Her Majesty's Household is a Prison for Debtors, and for Persons charged with Contempt of Her Majesty's Courts of the Marshalsea, the Court of the Queen's Palace of *Westminster*, and the High Court of Admiralty, and also for Admiralty Prisoners under Sentence of Courts-martial: And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in* England, Arrest on Mesne Process in Civil Actions was abolished, except in certain Cases, and further Provision was made for the Relief of Insolvent Debtors, by reason whereof the Prison of the Court of Queen's Bench is sufficient to contain all the Persons who are now imprisoned within the said several Prisons, or who will be hereafter taken in Execution of Process of the said several Courts:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the Prison now known as the Prison of the Marshalsea of the Court of Queen's Bench shall be called the Queen's Prison, and shall be the only Prison for all Debtors, Bankrupts, or other Persons who before the passing of this Act might lawfully have been imprisoned in any of the said Prisons of the Marshalsea of the Court of Queen's Bench, the Fleet Prison, or the Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster*; and after the passing of this Act no Person shall be committed from any of the said Courts to the Fleet Prison or Prison of the Marshalsea; and that the Persons imprisoned in the Queen's Prison shall be there in the Custody of the Marshal or Keeper of the Queen's Prison, from whichever of the said Courts they shall have been severally committed; and all Securities taken from any Officer of the Queen's Bench Prison for Performance of his Duty respecting the Prisoners now confined in the Queen's Bench Prison shall endure for securing the Performance of the like Duty respecting the Prisoners who shall be confined in the Queen's Prison under this Act; and all Rules, Orders, and Enactments now in force respecting the Queen's Bench Prison and the Prisoners therein shall be taken to apply in all respects to all the Prisoners who shall be confined in the Queen's Prison, subject to the Provisions herein-after contained: Provided always, that until the Removal of the Persons now imprisoned in the Fleet Prison and Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster*, as herein-after provided, such Persons may be lawfully detained within the Prison in which they are now severally confined and shall be there in the same Custody and subject to all the Rules now in force respecting such Prisoners as if this Act had not been made.

1&2 Vict. c. 110.

The Queen's Bench Prison to be called the Queen's Prison, and to be the only Prison for Debtors, Bankrupts, &c. instead of the Queen's Bench, Fleet, and Marshalsea Prisons.

Proviso.

Prisoners to be removed by Warrant of Lord Chief Justice of Queen's Bench.

II. And be it enacted, That within One Calendar Month after the passing of this Act the Warden of the Fleet Prison and the Keeper of the Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster* shall severally certify under their Hands to the Lord Chief Justice of the Court of Queen's Bench a true List of the Names of the Prisoners then in their Custody, with the several Causes and Times of their Commitments; and as soon thereafter as the Queen's Prison can be conveniently made ready for the Reception of the Prisoners to be removed under this Act, the Lord Chief Justice of the Court of Queen's Bench shall issue his Warrant or Warrants from Time to Time, under his Hand, severally directed to the Warden of the Fleet Prison and to the Keeper of the Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster*, requiring them severally to deliver into the Custody of the Marshal of the Queen's Prison the Persons then in their Custody, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the said Warden and Keeper shall severally deliver into the Custody of the Marshal of the Queen's Prison the Persons named in the said Warrant, with the several Warrants of Commitment of such Persons delivered, and the Marshal of the Queen's Prison shall forthwith convey the Prisoners so delivered into his Custody to the Queen's Prison; and if any Person named in any such Warrant of the Lord Chief Justice shall have been lawfully discharged out of the Custody of the said Warden or Keeper before the Execution of the Warrant, the said Warden or Keeper shall certify the Fact under his Hand to the said Lord Chief Justice, and shall deliver such Certificate to the Marshal of the Queen's Prison; and the Removal of any such Prisoners in obedience to the Warrant of the Lord Chief Justice as aforesaid shall not be construed to be an Escape.

Abolition of Offices of Fleet and Marshalsea Prisons.

III. And be it enacted, That as soon as all the Prisoners confined in the Fleet Prison shall have been discharged, or removed under this Act into the Custody of the Marshal of the Queen's Prison, all Records, Books, and Papers in the Custody of any Officer of the Fleet Prison relating to the Business of the said Prison shall be delivered to the Marshal of the Queen's Prison, and the Offices of Warden of the Fleet, Deputy

Deputy Warden, Clerk of the Papers, and all other Offices of the Fleet Prison shall be abolished; and as soon as all the Prisoners confined in the Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster* shall have been discharged, or removed under this Act into the Custody of the Marshal of the Queen's Prison, all Records, Books, and Papers in the Custody of any Officer of the Prison of the said Marshalsea and Palace Court relating to the Business of the said Prison shall be delivered to the Marshal of the Queen's Prison, and the Offices of Keeper, Chaplain, Surgeon, and all other Offices of the Prison of the said Marshalsea and Palace Court shall be abolished.

Officers whose Offices are abolished may make Claims for Compensation.

IV. And be it enacted, That it shall be lawful for any Officer of the Fleet Prison or Marshalsea Prison whose Office will be abolished, and for every other Person whose Emoluments will be affected by this Act, to make a Claim for Compensation, within Six Calendar Months after the passing thereof, to the Commissioners of Her Majesty's Treasury, including in the Case of the Warden of the Fleet Prison and Keeper of the Prison of the Marshalsea and Court of the Queen's Palace of *Westminster* a Claim for the Value of the Furniture and Fixtures (if any) belonging to the said Warden and Keeper in the said Prisons respectively; and the said Commissioners shall proceed, in such Manner as they may think proper, to inquire whether any Compensation ought to be made to such Claimant, and, if any, what were the lawful Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the said Commissioners they shall be empowered to determine, by an Order under the Hands of any Three of them, the Amount of the annual Compensation which shall seem to them to be just and reasonable for the Loss sustained by such Claimant, not being in any Case less than Three Fourth Parts of the full net annual Value of the lawful Fees and Emoluments of the Office so abolished or affected; and the Amount of such annual Value as aforesaid shall be ascertained by the said Commissioners according to such an Average of yearly Receipts and Disbursements before the passing of this Act as they shall think proper, and such annual Compensation shall commence from the passing of this Act; and until the Amount of such Compensation shall be settled in each Case the Salary of each Officer so to be compensated shall continue to be paid to him in like Manner as before the passing of this Act, but shall be accounted for by such Officer to the said Commissioners upon the Settlement of the Compensation in each Case; and an Account of all such Compensations shall be laid upon the Table of the House of Commons within Fourteen Days next after the same shall be so granted, if Parliament shall then be sitting, or if Parliament shall not be then sitting, then within Fourteen Days after the Meeting of Parliament then next following.

Salaries now paid out of Civil List to be retained as Part of the Consolidated Fund.

V. And be it enacted, That as soon as the Compensation to be granted to the Keeper and Officers of the Prison of the Marshalsea and Court of the Queen's Palace of *Westminster* shall be settled, the Lord High Treasurer or Commissioners of Her Majesty's Treasury shall retain in each Year during the Life of Her Majesty, out of the Revenues granted to Her Majesty, the Amount of the Salaries and Allowances paid to the said Keeper and Officers which are now charged upon and paid out of the said Revenues granted to Her Majesty, and the Amount so retained shall continue to form a Part of the Consolidated Fund.

Discontinued Prisons declared to be vested in the Crown.

VI. And be it declared and enacted, That upon the Abolition of the Office of Warden of the Fleet Prison the said Prison so to be discontinued, with all the Messuages, Lands, and Tenements, Furniture and Fixtures, thereunto in anywise belonging, and upon the Abolition of the Office of Keeper of the Prison of the Marshalsea and of the Court of the Queen's Palace of *Westminster* the last-mentioned Prison so to be discontinued, with all the Messuages, Lands, and Tenements, Furniture and Fixtures, thereunto in anywise belonging, shall vest absolutely in Her Majesty, Her Heirs and Successors, and shall be within the ordering and Survey of the Court of Exchequer, and under the Management of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and within the Provisions of all Acts passed respecting any Parts of the Possessions and Land Revenues of the Crown within the ordering and Survey of the said Court of Exchequer.

Enactments respecting the Fleet and Marshalsea to apply to the Queen's Prison.

VII. And be it enacted, That where by any Act now in force any thing is provided to be done with respect to the Fleet or Marshalsea Prison or the Prisoners therein, or the Warden or Keeper of either of the said Prisons, the said Acts, unless so far as any such Provision is repealed or altered by this Act, shall continue in force, and shall be taken to apply to the Queen's Prison and to the Prisoners therein, and to the Marshal or Keeper of the Queen's Prison, respectively.

Sums payable for the Relief of poor Prisoners to the Treasurer of the County of Surrey and Chamberlain of the City of London under 53 G. 3. c. 113. to be paid to the Keeper of the Queen's Prison.

VIII. 'And whereas by an Act passed in the Fifty-third Year of the Reign of King *George* the 'Third, intituled *An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, 'and Marshalsea Prisons*, Provision is made for the Payment of several Sums of Money by the 'Treasurers of the several Counties and Divisions of Counties mentioned in the Schedule annexed to 'the said Act, in part to the Treasurer of the County of *Surrey*, for the Relief of the Prisoners confined 'in the King's Bench and Marshalsea Prisons, and in part to the Treasurer or Chamberlain of the 'City of *London*, for the Relief of the Prisoners confined in the Fleet Prison;' be it enacted, That after the Removal of all the Prisoners in the Fleet and Marshalsea Prisons to the Queen's Prison the whole Sums provided by the said Act to be paid by the said several Treasurers for any of the Purposes of the said Act, and also any Balance of any such Sums which at that Time shall remain unappropriated in the Hands of the Chamberlain of the City of *London* or of the Treasurer of the County of *Surrey*, shall be by them paid to the Marshal or Keeper of the Queen's Prison, to be by him applied, under the Direction of one of Her Majesty's Principal Secretaries of State, for the Relief of the Prisoners confined in the Queen's Prison; and Receipts signed by the said Marshal or Keeper for any Monies payable to him by virtue of this Act shall be sufficient Discharges for the same; and all Provisions of the

last-recited Act respecting Monies paid or which ought to be paid to the Treasurer of the County of *Surrey*, or the Persons entitled to be relieved thereby, shall apply to the Monies so paid or to be paid to the said Marshal or Keeper by virtue of this Act, and to the Prisoners confined in the Queen's Prison; and all the Surplus and Residue (if any) of the said Monies shall be paid as provided by the last-mentioned Act to the Treasurer for the Time being of the Royal Hospital of *Bethlehem*, for the Relief and Benefit of the said Hospital.

So much of 53 G. 3. c. 113. as provides for the Administration of the Relief to Prisoners in Execution, and the accounting for Monies, &c. repealed.

IX. Provided always, and be it enacted, That after the said Removal of all the Prisoners in the Fleet and Marshalsea Prisons to the Queen's Prison, so much of the last-recited Act as provides that no Prisoner who shall be charged in Execution for Debt shall be relieved by virtue of that Act after the First Day of the Term next following the Time when he or she should be charged in Execution, and that the Relief to be given to the said Prisoners shall be given under the Direction of any Justice of the Peace for the County of *Surrey*, and that the Justices of the Peace for the County of *Surrey*, or the major Part of them, at their General Quarter Sessions, shall make any Orders, Rules, or Regulations respecting the Monies to be collected under the last-recited Act, and that the Treasurer of the County of *Surrey*, or any Person appointed to receive and distribute any of the said Monies, shall render to the said Justices any Account of their Receipts and Disbursements under the last-recited Act, shall be repealed; and the Marshal or Keeper of the Queen's Prison shall account for the Receipt and Disbursement of the said Monies, in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Keeper of the Queen's Prison to account.

Appropriation of charitable Gifts and Bequests.

X. And be it enacted, That the Warden of the Fleet Prison and Keeper of the Prison of the Marshalsea and Court of the Queen's Palace of *Westminster* shall severally make out and deliver to the Marshal of the Queen's Prison a true List of all charitable Gifts and Bequests heretofore made for the Relief of poor Prisoners or for the Discharge of poor Debtors in the Fleet and Marshalsea Prisons respectively; and all the said Gifts and Bequests, and also all charitable Gifts and Bequests heretofore made for the Relief of poor Prisoners or for the Discharge of poor Debtors in the King's Bench Prison, shall be applied, after the Removal of all the Prisoners in the Fleet and Marshalsea Prisons to the Queen's Prison, for the Relief of poor Prisoners or Discharge of poor Debtors (as the Case may be) in the Queen's Prison, as well of those who but for the passing of this Act would have been imprisoned in the Queen's Bench Prison, as of those who but for the passing of this Act would have been imprisoned in the Fleet Prison or Marshalsea Prison indiscriminately, according to their Wants, at the Discretion of the Persons lawfully administering such charitable Gifts and Bequests respectively.

Prisoners Fees abolished. 55 G. 3. c. 50.

XI. 'And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, 'intituled *An Act for the Abolition of Gaol and other Fees connected with the Gaols in* England, it was 'provided, that nothing therein contained should be construed to extend to the King's Bench Prison, His 'Majesty's Prison of the Fleet, the Marshalsea and Palace Courts;' be it enacted, That after the passing of this Act all Fees and Gratuities paid or payable by any Prisoners on the Entrance, Commitment to, Continuance in, or Discharge from the Queen's Prison, except as herein-after provided, shall absolutely cease, and any Marshal or Keeper or other Officer of the Queen's Prison who, after the passing of this Act, shall exact from any Prisoner any Fee or Gratuity for or on account of the Entrance, Commitment, or Discharge of such Prisoner, or in the Name of Chamber Rent, or for any other Purpose whatsoever, except such as shall from Time to Time be sanctioned by the Commissioners of Her Majesty's Treasury, for any Work and Labour actually performed for the Use and Benefit of any Prisoner, or who shall detain any Prisoner in Custody for Nonpayment of any Fee, Rent, or Gratuity, shall be rendered incapable of holding his Office, be guilty of a Misdemeanor, and be punished by Fine and Imprisonment.

Abolition of the Liberty of the Rules.

XII. 'And whereas, owing to the former crowded State of the Queen's Bench and Fleet Prisons, a 'Practice hath prevailed of suffering Prisoners to go at large within Districts adjacent to the said 'Prisons, and known by the Names of "The Rules of the Queen's Bench Prison," and "The Rules of 'the Fleet Prison," on Payment of certain Fees, and on giving Security to the Marshal and Warden 'respectively: And whereas it is expedient that such Practice, and also the Practice of granting Day 'Rules, be abolished;' be it enacted, That after the passing of this Act it shall not be lawful for the Marshal or Keeper of the Queen's Prison to grant any Day Rule, or to grant the Liberty of the Rules to any Person, except for the Purpose of continuing the Liberty of the Rules of the Queen's Bench Prison for such Time as the Marshal shall think fit, not more than Twelve Calendar Months after the passing of this Act, to those Persons who shall be in the Enjoyment of the Liberty of the Rules of the Queen's Bench or Fleet Prison at the Time of the passing of this Act; and that all Persons in the Custody of the Marshal or Keeper to whom the Liberty of the Rules of one of the said Prisons shall not have been granted before the passing of this Act, and also those Persons to whom such Liberty shall have been granted before the passing of this Act, after the next Determination of such Liberty, shall be confined within the Walls of the Queen's Prison, and that it shall be deemed an Escape if any such Prisoner be suffered to go beyond the Walls of the Prison, except as herein-after provided.

No Fees or Stamp Duties to be paid on Securities for granting Liberty of Rules to certain Fleet Prisoners.

XIII. And be it enacted, That if the Marshal of the Queen's Prison shall think fit to grant the Liberty of the Rules of the Queen's Bench Prison to any Person who at the Time of the passing of this Act shall be in the Enjoyment of the Liberty of the Rules of the Fleet Prison, and shall be removed into the Custody of the said Marshal under this Act, the said Marshal shall not exact any Fee from such Person for granting such Liberty; and the Securities to be entered into and executed in favour of the said Marshal, for Assurance that such Person will not escape out of the Custody of the said Marshal, shall not be liable to any Stamp Duty.

XIV. And

Lunatic Prisoners to be removed to Bethlehem Hospital.

XIV. And be it enacted, That if any Prisoner confined in the Queen's Prison shall become or be found to be of unsound Mind during his or her Imprisonment, and shall be so reported by the Marshal or Keeper thereof to One of Her Majesty's Principal Secretaries of State, it shall be lawful for such Secretary of State, by Warrant under his Hand directed to the said Marshal or Keeper, upon the Certificate of Two Physicians or Surgeons that such Prisoner is of unsound Mind, to order that such Prisoner shall be forthwith removed to the Royal Hospital of *Bethlehem*, and the President, Treasurer, and Governors of *Bethlehem* Hospital shall be bound to receive such Prisoner, and him or her safely to keep, until a Warrant of the Secretary of State shall be directed to them for Re-delivery of such Prisoner into the Custody of the Marshal or Keeper of the Queen's Prison as herein-after provided, and such Removal shall not be construed to be an Escape; and every Prisoner so removed shall remain under Confinement in *Bethlehem* Hospital until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Physicians or Surgeons, that such Prisoner hath become of sound Mind, whereupon the Secretary of State shall issue his Warrant to the President, Treasurer, and Governors of *Bethlehem* Hospital, ordering that such Prisoner be re-delivered into the Custody of the Marshal or Keeper of the Queen's Prison, for the Purpose of being remanded to the Queen's Prison, and neither the Marshal or Keeper of the Queen's Prison, nor the President, Treasurer, and Governors of *Bethlehem* Hospital, shall be answerable for any Escape which such Prisoner may make out of *Bethlehem* Hospital.

Removal of Prisoners in Cases of contagious Diseases or Emergency.

XV. And be it enacted, That whenever One of Her Majesty's Principal Secretaries of State shall deem it necessary that the Prisoners, or any of them, shall be removed on account of any contagious or infectious Disease in the Prison, or upon any other Emergency, it shall be lawful for the Secretary of State, by a Warrant under his Hand, directed to the Marshal or Keeper of the Queen's Prison, to order that such Prisoners shall be removed, in the Custody of the said Marshal or Keeper, to such other Place of Imprisonment as the Secretary of State shall direct, such Place having been first reported by the Marshal or Keeper of the Queen's Prison to the Secretary of State as a safe Place of Custody, and fit for the Reception of such Prisoners; and when such Disease shall have ceased, or the Purposes for which the Prisoners shall have been removed shall have been fulfilled, it shall be lawful for the Secretary of State, by a like Warrant, to order that such Prisoners be removed back to the Queen's Prison; and any Place to which any Prisoners shall be removed under any such Warrant shall be deemed, during their Imprisonment therein, to be a Part of the Queen's Prison, and no such Removal of any Prisoner shall be construed to be an Escape.

Rules for the Government of the Queen's Prison to be made by the Secretary of State.

XVI. And be it enacted, That after the passing of this Act the Rules for the Government and Regulation of the Queen's Prison shall be made from Time to Time by One of Her Majesty's Principal Secretaries of State, who shall subscribe a Certificate that such Rules are fit to be enforced; and all Rules so made shall be binding upon the Marshal or Keeper and other Officers of the Prison, and upon the Prisoners confined therein; and all such Rules shall be laid before Parliament within Six Weeks after such Rules shall be certified, or if Parliament be not then sitting within Six Weeks after the next Meeting of Parliament; and so much of any Act as relates to the making of Rules for the said Prison by any Court in *Westminster Hall* shall be repealed: Provided always, that the Judges of Her Majesty's Courts of Queen's Bench, Exchequer, and Common Pleas, and of Her Majesty's High Courts of Chancery and Admiralty, shall have and exercise the same Powers with respect to ordering the Marshal or Keeper of the Queen's Prison to take into his Custody any Person committed by them respectively, or to bring before them respectively any Prisoner in his Custody, which the said Judges now have with respect to the several Keepers of the Prisons now belonging to the said Courts, or any of them.

Classification of Prisoners.

XVII. And be it enacted, That in the Queen's Prison the Male Prisoners shall be separated from the Female Prisoners, so as to prevent all Communication between them, and that the Prisoners of each Sex shall be divided into the following Classes; that is to say,

1. Debtors remanded by the Commissioners of the Court for the Relief of Insolvent Debtors, on the Ground of Fraud, or for refusing to file a Schedule of their Property:
2. Debtors who do not maintain themselves, and are not included in the First Class:
3. Debtors who do maintain themselves, and are not included in the First Class:
4. Prisoners committed for Libel:
5. Prisoners committed for Assault:
6. Prisoners committed by Courts-martial:
7. Prisoners not included in any one of the foregoing Classes:

And that it shall be lawful for the Secretary of State to make separate Rules for each Class of Prisoners, and that, as far as the Construction of the Prison will allow thereof, the Prisoners of each Class shall be separated from each other, and especially the Debtors from the Prisoners confined for other Causes than for Debt.

Regulation as to supply of Food, Liquor, and Necessaries.

XVIII. And be it enacted, That after the passing of this Act no Prisoner in the Queen's Prison shall be allowed to send for or to have any Beer, Ale, Victuals, or other Food, or to send for, have, or use any Bedding, Linen, or other Things, except such as shall be allowed to be brought by them respectively under such Rules, to be made in the Manner directed by this Act, as may be reasonable and expedient to prevent Extravagance and Luxury, and for enforcing due Order and Discipline within the Prison.

Inquests within the Prison.

XIX. And be it enacted, That all Inquests upon the Body of any Person dying within the Queen's Prison, or the Rules of the Queen's Bench Prison, shall be holden after the passing of this Act before

the Coroner of the City of *London*, in like Manner as any Inquests holden within the Borough of *Southwark*.

Clerk of the Papers to take Affidavits.

XX. And be it enacted, That the Clerk of the Papers of the Queen's Prison shall be empowered to take the Affidavits of Prisoners within the said Prison on any Proceeding in any Court of Law or Equity in like Manner as he is now empowered to take the Affidavits of Prisoners in the Queen's Bench Prison in any Proceeding in the Court of Queen's Bench; and for taking every such Affidavit the Clerk of the Papers shall be entitled to have a Fee of One Shilling, and no more.

Repeal of so much of 27 G. 2. c. 17. as requires the Marshal to keep the Prison in repair.

XXI. And be it enacted, That so much shall be repealed of an Act passed in the Twenty-seventh Year of the Reign of King *George* the Second, intituled *An Act for re-vesting in the Crown the Power of appointing the Marshal of the Marshalsea of the Court of King's Bench, and for the better Regulation of that Office, and of the inferior Offices thereto belonging, and for rebuilding the King's Bench Prison*, as provides that the Marshal of the Marshalsea aforesaid for the Time being shall from Time to Time and at all Times from thenceforth, at his own Costs and Charges, by and out of the Fees and Profits incident to his said Office, well and sufficiently repair and keep in good Repair the said Prison, and all the Buildings and Appurtenances thereunto belonging.

Appointment and Removal of Officers.

XXII. And be it enacted, That after the next Vacancy of the Office of Marshal of the Queen's Prison the Person having the Custody of the said Prison shall be called the Keeper of the Queen's Prison, and One of Her Majesty's Principal Secretaries of State shall appoint, and at his Pleasure may remove, the Keeper of the Queen's Prison; and that the Offices of Deputy Marshal and Clerk of the Day Rules shall be abolished upon the next Vacancy thereof, and that the Clerk of the Papers shall be thereafter empowered to act as Deputy Keeper in case of the Illness or unavoidable Absence of the Marshal or Keeper; and that the Secretary of State shall appoint, and at his Pleasure may remove, a Chaplain and Surgeon for the said Prison; and that the Marshal or Keeper, subject to the Approval of the Secretary of State, shall appoint and may remove the Clerk of the Papers and a Matron, and such other Officers and Servants as may be necessary for the Service and Discipline of the Prison: Provided always, that no Keeper of the Queen's Prison hereafter to be appointed shall enter upon his Office until he shall have given good and sufficient Security to the Queen's Majesty, Her Heirs and Successors, for his good Behaviour in the said Office, such Security to be approved by the Lord High Treasurer, or by the Commissioners of Her Majesty's Treasury, and to be for such Amount as he or they from Time to Time shall think fit.

Appointments of Tipstaffs.

XXIII. And be it enacted, That after the passing of this Act the Lord Chancellor, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, shall severally appoint the Tipstaffs heretofore appointed by the Warden of the Fleet Prison to act in the Courts of Chancery, Common Pleas, and Exchequer respectively; and after the next Vacancy of the Office of Marshal of the Queen's Prison the Lord Chief Justice of the Court of Queen's Bench shall appoint the Tipstaffs heretofore appointed by the Marshal of the Queen's Bench Prison to act in the Court of Queen's Bench; and the Tipstaffs so appointed shall perform the same Duties and be entitled to the same Emoluments respectively as the Tipstaffs heretofore appointed by the said Warden and Marshal respectively; and nothing herein contained respecting the Abolition of Fees payable by Prisoners shall be taken to apply to any Fees payable to any of the said Tipstaffs.

Amount of Salaries.

XXIV. And be it enacted, That such yearly Salary as to the Lord High Treasurer or Commissioners of Her Majesty's Treasury from Time to Time shall seem fit shall be paid to the Marshal or Keeper, Clerk of the Papers, Chaplain, Surgeon, Matron, and other Officers and Servants of the said Prison, not being more after the next Vacancy of the Office of Marshal than Eight hundred Pounds to the Keeper, and not being more after the next Vacancy of the Office of Clerk of the Papers than Four hundred Pounds to the Clerk of the Papers, and not being more than One hundred and fifty Pounds to the Chaplain, and such Salaries to the Surgeon, Matron, and other Officers and Servants of the Prison as are suitable for the Services they will have to perform.

Salaries, how to be paid.

XXV. And be it enacted, That the said Salaries and Annuities shall be paid free and clear of all Fees, Taxes, and Charges whatsoever, by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, provided that the Payment to be made in each Case on the first of the said quarterly Days which shall happen after the Accrual of the Right thereunto of the Person receiving the same under this Act shall be a rateable Proportion of a Quarter's Salary according to the Time then elapsed since the Accrual of such Right; and in case of Vacancy in the Office of the Marshal or Keeper, Clerk of the Papers, Chaplain, Surgeon, Matron, or any Officer or Servant of the Prison, the Person making the Vacancy, his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary according to the Time elapsed between the Vacancy and the last quarterly Payment.

Salaries and Allowances to be defrayed from the Consolidated Fund.

XXVI. And be it enacted, That the Compensations to be granted in pursuance of the Provisions herein-before contained, and the Salaries of the Marshal, Chaplain, Surgeon, Matron, and other Officers and Servants of the Queen's Prison, shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, after paying and reserving sufficient to pay all Sums of Money directed by any former Act to be paid out of the same, but with Preference to all other Payments which shall hereafter become payable out of the said Fund, and that it shall be lawful for the Lord High Treasurer, or for the Commissioners of Her Majesty's Treasury, by Warrant under his Hand or their Hands, or any Three of them, to direct the several Payments aforesaid to be made out of the Consolidated Fund.

XXVII. And

XXVII. And be it enacted, That the Marshal or Keeper of the Queen's Prison, Chaplain, Surgeon, Matron, and other Officers and Servants of the Queen's Prison, shall be within the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, to all Intents and Purposes as if the Queen's Prison had been mentioned in the Schedule of the said Act. Officers of the Queen's Prison to be within the Provisions of 4 & 5 W. 4. c. 24.

XXVIII. And be it enacted, That this Act may be repealed or amended by any Act to be passed in this Session of Parliament. Act may be amended, &c.

C A P. XXIII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-three, and to the End of the then Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland*. [31st *May* 1842.]

C A P. XXIV.

An Act for improving the *Dublin* Police. [31st *May* 1842.]

'WHEREAS an Act was passed in the Forty-eighth Year of the Reign of King *George* the Third, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of *Dublin* Metropolis, and the said Act was amended by an Act passed in the Fifth Year of the Reign of King *George* the Fourth: And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, whereby a new and more efficient System of Police was established within the Limits of the said District: And whereas by several Acts passed in the First Year, and in the Sessions of Parliament holden respectively in the First and Second, Second and Third, and Third and Fourth Years of Her present Majesty's Reign, the Limits of the said District were altered, and divers Enactments made in reference to the said District, and for the more effectual Maintenance and Regulation of the Police therein; but it is expedient, for the more complete Efficiency of the said Police, to make further Provisions and Regulations similar to those established in the Police District of *London* Metropolis under Two Acts passed in the Session of Parliament holden in the Second and Third Years of Her present Majesty's Reign, intituled respectively *An Act for further improving the Police in and near the Metropolis*, and *An Act for regulating the Police Courts in the Metropolis*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Forty-eighth Year of the Reign of King *George* the Third, of the Fifth Year of the Reign of King *George* the Fourth, of the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, of the First Year of Her present Majesty's Reign, and of the Sessions of Parliament holden respectively in the First and Second, Second and Third, and Third and Fourth Years of Her present Majesty's Reign, and this Act, shall be construed together as One Act; and that all and every the Enactments and Provisions therein contained shall apply and extend to this Act, and to all Convictions, Warrants, Distresses, Proceedings, and Things made, taken, or done in execution of this Act, as fully to all Intents and Purposes as if herein repeated and re-enacted, save in so far as such Enactments and Provisions are inconsistent with or contrary to this Act, or as such Enactments and Provisions may be altered by this Act, or other Enactments and Provisions made in lieu thereof. 48 G. 3. c. 140. 5 G. 4. c. 102. 6 & 7 W. 4. c. 29. 7 W. 4. & 1 Vict. c. 25. 1 & 2 Vict. c. 63. 2 & 3 Vict. c. 78. 3 & 4 Vict. c. 103. 2 & 3 Vict. c. 47. 2 & 3 Vict. c. 78. The several recited Acts to be construed together as One Act; and their Enactments and Provisions to apply and extend to this Act.

II. And be it enacted, That no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van passing along such Road or Bridge in the Service of the *Dublin* Police, provided that the Rider of such Horse or Driver of such Van shall have his Dress and Accoutrements according to the Regulations of the Police at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not more than Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same. Police Vans, &c. exempted from Turnpike Tolls.

III. And be it enacted, That every Constable belonging to the *Dublin* Police who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty to the Commissioners of Police, or to such Person, and at such Time and Place, as shall be directed by them, shall be liable to Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month; and it shall be lawful for any Justice of the Peace to issue his Warrant to search for and seize, to the Use of Her Majesty, all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found. Constables dismissed to deliver up Accoutrements.

IV. And be it enacted, That every Person, not being a Constable of the *Dublin* Police, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable to a Penalty not more than Ten Pounds.

Framing a false Bill of Parcels to escape Detection, a Misdemeanor.

V. And be it enacted, That every Person who for the Purpose of protecting or preventing any thing whatsoever from being seized within the Police District on Suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or used as Evidence concerning any Felony or Misdemeanor committed or supposed to be committed within the Police District, shall frame or cause to be framed any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence or the Conveyance by which the same was furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels, knowing the same to have been fraudulently framed, shall be deemed guilty of a Misdemeanor.

Publicans prohibited from supplying Liquors to Persons under Sixteen Years old.

VI. And be it enacted, That every Person licensed to deal in exciseable Liquors within the said Police District who shall knowingly supply any Sort of distilled exciseable Liquor to any Boy or Girl apparently under the Age of Sixteen Years, to be drunk upon the Premises, shall be liable to a Penalty not more than Twenty Shillings, and upon Conviction of a Second Offence shall be liable to a Penalty not more than Forty Shillings, and upon Conviction of a Third Offence shall be liable to a Penalty not more than Five Pounds.

Regulations respecting Public Houses to extend to other Houses of public Resort.

VII. And be it enacted, That every Person who shall have or keep any House, Shop, Room, or Place of public Resort within the said Police District wherein Provisions, Liquors, or Refreshments of any Kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, shall for every such Offence be liable to a Penalty of not more than Five Pounds: Provided always, that if the Offender be licensed to sell Beer by Retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the Licence to him granted.

For preventing the keeping of Places for Bear-baiting, Cock-fighting, &c.

VIII. And be it enacted, That every Person who shall keep or use or act in the Management of any House, Room, Pit, or other Place within the said Police District for the Purpose of fighting or baiting Lions, Bears, Badgers, Cocks, Dogs, or other Animals, shall be liable to a Penalty not more than Five Pounds, or, in the Discretion of the Magistrate, may be committed to the House of Correction, with or without hard Labour, for a Time not more than One Calendar Month; and it shall be lawful for the Commissioners of Police, by Order in Writing, to authorize any Superintendent belonging to the *Dublin* Police, with such Constables as he shall think necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons who shall be found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not more than Five Shillings; and a Conviction under this Act of this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any Penalty or penal Consequences to which he may be liable for the Nuisance thereby occasioned.

Commissioners empowered to authorize Superintendents of Police to enter Gaming Houses.

IX. And be it enacted, That if any Superintendent belonging to the said *Dublin* Police shall report in Writing to the Commissioners of Police that there are good Grounds for believing any House or Room within the said Police District to be kept or used as a common Gaming House, and if Two or more Householders dwelling within the said District, and not belonging to the said Police, shall make Oath in Writing, to be by them taken and subscribed before a Divisional Justice and annexed to the said Report, which Oath every Divisional Justice is hereby empowered to administer and receive, that the Premises complained of by the Superintendent are commonly reported and are believed by the Deponents to be kept or used as a common Gaming House, it shall be lawful for the said Commissioners, by Order in Writing, to authorize the Superintendent to enter any such House or Room with such Constables as shall be directed by the said Commissioners to accompany him, and if necessary to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize and destroy all Tables and Instruments of Gaming found in such House or Premises, and also to seize all Monies and Securities for Money found therein; and the

Owners or Keepers thereof liable to Penalty.

Owner or Keeper of the said Gaming House, or other Person having the Care and Management thereof, and also every Banker, Croupier, and other Persons who shall act in any Manner in conducting the said Gaming House, shall be liable to a Penalty not more than One hundred Pounds, or in the Discretion of the Divisional Justice before whom he shall be convicted of the Offence, may be committed to the House of Correction, with or without hard Labour, for a Time not more than Six Calendar Months; and upon Conviction of any such Offender all the Monies and Securities for Monies which shall have been seized as aforesaid shall be paid to the Receiver of the Police District, to be by him applied towards defraying the Charge of the *Dublin* Police; and every Person found in such Premises without lawful Excuse shall

Not to prevent proceeding by Indictment.

be liable to a Penalty not more than Five Pounds: Provided always, that nothing herein contained shall prevent any Proceeding by Indictment against the Owner or Keeper or other Person having the Care or Management of any Gaming House, but no Person shall be proceeded against by Indictment and also under this Act for the same Offence.

Proof of Gaming for Money, &c. not neces-

X. And be it enacted, That it shall not be necessary, in support of any Information for gaming in, or suffering any Games or gaming in, or for keeping or issuing or being concerned in the Management or Conduct

Conduct of a common Gaming House under this Act, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake. sary in support of Information.

XI. And be it enacted, That on the Application of the Minister or Churchwardens of any Church, Chapel, or other Place of public Worship within the Police District to the Commissioners of Police, it shall be lawful for the said Commissioners to make Orders for regulating the Route and Conduct of Persons who shall drive any Cart or Carriage, or who shall drive any Cattle, Sheep, Pigs, or other Animals, within such Parish or Place, during the Hours of Divine Service on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a public Fast or Thanksgiving; and any Order which shall be so made shall be printed and affixed on or near the Church, Chapel, or Place of public Worship to which the same shall refer, and in some conspicuous Places leading to and contiguous thereto, and elsewhere, as the said Commissioners shall direct; and every Breach of any such Order shall be deemed a separate Offence. Commissioners may regulate the Route, and Conduct of Persons driving Stage Carriages, &c. during the Hours of Divine Service;

XII. And be it enacted, That it shall be lawful for the Commissioners of Police, from Time to Time and as Occasion shall require, to make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets and Thoroughfares within the Police District, in all Times of public Processions, public Rejoicings, or Illuminations, and also to give Directions to the Constables for keeping Order, and for preventing any Obstructions of the Thoroughfares in the immediate Neighbourhood of any Place or Places of public Resort, and in any Case when the Streets or Thoroughfares may be thronged or may be liable to be obstructed. and to make Regulations for preventing Obstructions in the Streets during public Processions, &c.

XIII. And be it enacted, That no Proprietor of any Stage Carriage, duly licensed to carry Passengers for Hire, shall be liable to any Penalty for any Deviation from the Route or Line of Route specified in his Licence which the Driver of such Stage Carriage shall make by virtue of any Regulations or Direction made or given by the Commissioners of Police. Proprietors of Stage Carriages not liable, &c.

XIV. And be it enacted, That every Person shall be liable to a Penalty not exceeding Forty Shillings who, within the Limits of the Police District, shall in any Thoroughfare or public Place commit any of the following Offences; (that is to say,) Prohibition of Nuisances by Persons in public Thoroughfares.

1. Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show or Sale (except in a Market lawfully appointed for that Purpose), or feed or fodder any Horse or other Animal, or show any Caravan containing any Animal or any other Show or public Entertainment; or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident), or clean, dress, exercise, train, or break any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage, (except in Cases of Accident,) where Repair on the Spot is necessary:
2. Every Person who shall turn loose any Horse or Cattle, or suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in Fear any Person, Horse, or other Animal:
3. Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:
4. Every Person having the Care of any Cart or Carriage who shall ride on any Part thereof, on the Shafts, or on any Horse or other Animal drawing the same, without having and holding the Reins, or who shall be at such a Distance from such Cart or Carriage as not to have the complete Control over every Horse or other Animal drawing the same:
5. Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:
6. Every Person who shall cause any Cart, public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place not forbidden by Law, or who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:
7. Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or fasten any Horse or other Animal so that it can stand across or upon any Footway:
8. Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Showboard, or Placard, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:
9. Every Person who, after being made acquainted with the Regulations or Directions which the said Commissioners of Police shall have made for regulating the Route of Horses, Carts, Carriages, and Persons during the Time of Divine Service, and for preventing Obstructions during public Processions, and on other Occasions herein-before specified, shall wilfully disregard or not conform himself thereunto:
10. Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat, in any public Walk, Park, or Garden:

11. Every

11. Every common Prostitute or Night-walker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers:
12. Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers:
13. Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:
14. Every Person, except the Guards and Postmen belonging to Her Majesty's Post Office in the Performance of their Duty, who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms:
15. Every Person who shall wantonly discharge any Firearm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework:
16. Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell or knocking at any Door without lawful Excuse, or who shall wilfully and unlawfully extinguish the Light of any Lamp:
17. Every Person who shall fly any Kite or play at any Game, to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow in any Street or other Thoroughfare, to the common Danger of the Passengers:

And it shall be lawful for any Constable belonging to the *Dublin* Police to take into Custody without Warrant any Person who shall commit any such Offence within View of any such Constable.

Drunkards guilty of riotous or indecent Behaviour may be imprisoned.

XV. And be it enacted, That every Person who shall be found drunk in any Street or public Thoroughfare within the Police District, and who while drunk shall be guilty of any riotous or indecent Behaviour, and also every Person who shall be guilty of any violent or indecent Behaviour in any Police Station House, shall be liable to a Penalty of not more than Forty Shillings for every such Offence, or may be committed, if the Justice before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary Penalty, to the House of Correction for any Time not more than Seven Days.

Persons using Carriages without Driver's Consent liable to a Penalty.

XVI. And be it enacted, That every Person who shall ride upon or cause himself to be carried or drawn by any Carriage within the Police District, without the Consent of the Owner or Driver thereof, shall be liable to a Penalty not more than Five Shillings, or if a Child apparently under the Age of Twelve Years it shall be lawful for the Justice to cause such Child to be detained until his Parent or Guardian can attend for the Purpose of having such Child delivered into his Care, and if such Parent or Guardian do not so attend before the closing of the Police Office for the Day it shall be lawful for the Justice to order such Child to be discharged.

Prohibition of other Nuisances.

XVII. And be it enacted, That every Person who in any Street or public Place within the Limits of the Police District shall be guilty of any of the following Offences shall be liable to a Penalty not more than Forty Shillings for every such Offence; (that is to say,)

1. Every Person who in any Thoroughfare shall burn, dress, or cleanse any Cork, or hoop, cleanse, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime:
2. Every Person who shall throw or lay in any Thoroughfare any Coals, Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials, or Rubbish thereby occasioned, which shall be placed or enclosed so as to prevent any Mischief happening to Passengers):
3. Every Person who in any Thoroughfare shall beat or shake any Carpet, Rug, or Mat, (except Door Mats before the Hour of Eight in the Morning,) or throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond, or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Thoroughfare, or any uncovered Place, whether or not surrounded by a Wall or Fence; but it shall not be deemed an Offence to lay Sand or other Materials in any Thoroughfare in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:
4. Every Person who shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night Soil, Soap Lees, ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled; and, in default of the Apprehension of the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be

be deemed to be the Offender: Provided always, that this Enactment shall not be construed to prevent the Commissioners for paving and lighting and cleansing the Streets of *Dublin*, within the Metropolitan Police District aforesaid, or any Person acting in their Service or by their Direction, from emptying or removing along any Thoroughfare at any Time the Contents of any Sewer which they are authorized to cleanse or empty:

5. Every Person who shall keep any Pigstye to the Front of any Street or Road in any Town within the said District, not being shut out from such Street or Road by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance:

6. Every Occupier of a House or other Tenement in any Town within the said District who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining the Premises occupied by him; and if any Tenement be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment:

7. Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner or other Person authorized to give such Consent, or upon or so as to hang over any Carriageway or Footway, or on the Outside of any House or Shop; or who shall set up or continue any Pole, Blind, Awning Line, or any other Projection from any Window, Parapet, or other Part of any House, Shop, or other Building, so as to cause any Annoyance or Obstruction in any Thoroughfare:

8. Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Hand Rail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset, to warn and prevent Persons from falling thereinto.

Cutting Ropes, Cables, &c.

XVIII. And be it enacted, That every Person who shall unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River *Liffey*, Harbour of *Dublin*, or Harbour of *Kingstown*, or in any of the Docks or Creeks adjacent thereto respectively, with Intent to steal or otherwise unlawfully obtain the same or any Part thereof, shall be deemed guilty of a Misdemeanor.

The Police to have the Power of Constables upon the River Liffey, &c., and may take into Custody any Person who, to prevent Discovery, shall wilfully let fall any Articles into the River or Harbour of Kingstown.

XIX. And be it enacted, That every Officer and Constable belonging to the *Dublin* Police shall have all the Powers and Privileges of a Constable upon the River *Liffey* within or adjoining to the said District, or the several Counties of *Dublin*, *Kildare*, and *Wicklow*, and in and on the Harbour of *Dublin* and Harbour of *Kingstown*, and the Docks or Creeks adjacent thereto; and that it shall be lawful for any such Constable to take into Custody every Person who, for the Purpose of preventing the Seizure or Discovery of any Materials, Furniture, Stores, or Merchandize belonging to or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River *Liffey*, Harbour of *Dublin*, or Harbour of *Kingstown*, or the Docks or Creeks adjacent thereto respectively, or of any other Articles unlawfully obtained from any such Ship, Boat, or Vessel, shall wilfully let fall or throw into the said River, or any of the said Docks or Creeks, or in any other Manner convey away from any Ship, Boat, or Vessel, Wharf, Quay, or Landing Place, any such Article, or who shall be accessory to any such Offence, and also to seize and detain any Boat in which such Person shall be found, or out of which any Article shall be so let fall, thrown, or conveyed away; and every such Person shall be deemed guilty of a Misdemeanor.

Possessing Instruments for unlawfully procuring and carrying away Wine, &c., a Misdemeanor.

XX. And be it enacted, That every Person who shall be found within the Police District in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship or Vessel, having in his or her Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquors, or having in his or her Possession any Skin, Bladder, or other Material or Utensil for the Purpose of unlawfully using, secreting, or carrying away any such Wine, Spirits, or other Liquors, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquor, shall be deemed guilty of a Misdemeanor.

Piercing Casks, opening Packages, &c., a Misdemeanor.

XXI. And be it enacted, That every Person who shall within the Police District bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquors on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with Intent feloniously to steal or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink or wilfully spill or allow to run to waste any Part of the Contents thereof, shall be deemed guilty of a Misdemeanor.

Breaking Packages, with Intent to spill Contents, a Misdemeanor.

XXII. And be it enacted, That every Person who shall within the Police District wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other Craft lying in the said River or either of the said Harbours, or any Dock, Creek, Quay, Wharf, or Landing Place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Package or any Part thereof may be spilled or dropped from such Package, shall be deemed guilty of a Misdemeanor.

Superintendents and Inspectors may board Vessels.

XXIII. And be it enacted, That any Superintendent or Inspector belonging to the *Dublin* Police shall have Power by virtue of his Office to enter at all Times with such Constables as he shall think necessary, as well by Night as by Day, into and upon every Ship, Boat, or other Vessel, (not being then actually employed in Her Majesty's Service,) lying in the said River or any of the said Harbours, Docks, and Creeks,

Creeks, and into every Part of every such Vessel, for the Purpose of inspecting, and upon Occasion directing the Conduct of any Police Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any such Vessel in or about the lading or unlading thereof, as the Case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the effectual Prevention or Detection of any Felonies or Misdemeanors.

Superintendents, &c. having just Cause to suspect Felony, may enter on board Vessels, &c. to take up suspected Persons.

XXIV. And be it enacted, That it shall be lawful for every Superintendent, Inspector, or Serjeant belonging to the *Dublin* Police, having just Cause to suspect that any Felony has been or is about to be committed in or on board of any Ship, Boat, or other Vessel lying in the said River, or any of the said Harbours, Docks, and Creeks, to enter at all Times, as well by Night as by Day, into and upon every such Ship, Boat, or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in or upon the said River or Harbours, Docks or Creeks, and to take into Custody all Persons suspected of being concerned in such Felonies, and also to take charge of all Property so suspected to be stolen.

Divisional Justices may award Compensation for Hurt or Damage not exceeding 10*l.*

XXV. And be it enacted, That every Person who by committing any Offence herein forbidden within the Police District shall have caused any Hurt or Damage to any Person or Property may be apprehended, with or without any Warrant, by any Constable belonging to the *Dublin* Police, and if he shall not, upon Demand, make amends for such Hurt or Damage to the Satisfaction of the Persons aggrieved, he shall be detained by the Constable in order to be taken before a Divisional Justice, and upon Conviction shall pay such a Sum, not exceeding Ten Pounds, as shall appear to the Divisional Justice before whom he shall be convicted to be reasonable Amends to the Person aggrieved, besides any Penalty to which he may be liable for the Offence, and the Evidence of the Person aggrieved shall be admitted in Proof of the Offence: Provided always, that if the Person aggrieved shall have been the only Witness examined in Proof of the Offence, the Sum ordered as Amends shall be paid and applied in the same Manner as a Penalty.

Constables may apprehend any Offender whose Name, &c. are not known.

XXVI. And be it enacted, That it shall be lawful for any Constable belonging to the *Dublin* Police, and for all Persons whom he shall call to his Assistance, to take into Custody without a Warrant any Persons who within View of any such Constable shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

Constables may apprehend without Warrant in certain Cases.

XXVII. And be it enacted, That it shall be lawful for any Constable belonging to the *Dublin* Police to take into Custody without a Warrant all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom he shall find between Sunset and the Hour of Eight in the Morning lying or loitering in any Highway, Yard, or other Place, and not giving a satisfactory Account of themselves.

Persons charged with recent Assaults may be apprehended without Warrants.

XXVIII. And be it enacted, That it shall be lawful for any Constable belonging to the said *Dublin* Police to take into Custody without Warrant any Person who within the Limits of the Police District shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Power to Police Constables and Persons aggrieved to apprehend certain Offenders, &c.

XXIX. And be it enacted, That any Person found committing any Offence punishable either upon Indictment, or as a Misdemeanor upon summary Conviction, by virtue of this Act, may be taken into Custody without a Warrant by any Constable belonging to the *Dublin* Police, or may be apprehended by the Owner of the Property on or with respect to which the Offence was committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable, to be dealt with according to Law; and every such Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be reason to suspect that any thing stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner any thing stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and, if in his Power, is required to apprehend and detain, and as soon as may be to deliver such Offender into the Custody of a Constable belonging to the *Dublin* Police, together with such Property, to be dealt with according to Law.

Removing Furniture to evade Rent.

XXX. And be it enacted, That it shall be lawful for any Constable belonging to the Police Force to stop and detain, until due Inquiry can be made, all Carts and Carriages which he shall find employed in removing the Furniture of any House or Lodging between the Hours of Eight in the Evening and Six in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Horses, Carriages, &c. of Offenders may be detained.

XXXI. And be it enacted, That whenever any Person having Charge of any Horse, Cart, Carriage, or Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, it shall be lawful for such Constable to take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and to deposit the same in some Place of safe Custody as a Security

rity for Payment of any Penalty to which the Person having had Charge thereof may become liable, and for Payment of any Expences which may have been necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Divisional Justice before whom the Case shall have been heard to order such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, to be sold for the Purpose of satisfying such Penalty and reasonable Expences, in default of Payment thereof, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of such Penalty and reasonable Expences.

Persons apprehended without Warrant to be taken to the Station House.

XXXII. And be it enacted, That every Person taken into Custody by any Constable belonging to the *Dublin* Police without Warrant, except Persons detained for the mere Purpose of ascertaining their Name or Residence, shall be forthwith delivered into the Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before a Divisional Justice, to be dealt with according to Law, or may give Bail for his Appearance before a Divisional Justice, if the Constable in charge shall deem it prudent to take Bail, in the Manner hereinafter mentioned.

Power to take Recognizances at Station Houses on Petty Charges.

XXXIII. And be it enacted, That whenever any Person charged with any Offence of which he is liable to be summarily convicted before a Magistrate, or with having carelessly done any Hurt or Damage, shall be, without the Warrant of a Magistrate, in the Custody of any Constable of the said *Dublin* Police in charge of any Station House during the Time when the Police Offices shall be shut, it shall be lawful for such Constable, if he shall deem it prudent, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Power to bind over Persons making Charges.

XXXIV. And be it enacted, That whenever any Person charged with any Felony, or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be without Warrant in the Custody of any Constable of the said *Dublin* Police at any Station House during the Time when the Police Offices shall be shut, it shall be lawful for the Constable in charge of the Station House to require the Persons making such Charge to enter into a Recognizance conditioned as herein-after mentioned, and upon his or her Refusal so to do it shall be lawful for such Constable, if he shall deem it prudent, to discharge from Custody the Person so charged, upon his or her Recognizance, with or without Sureties, conditioned as herein-after mentioned.

Condition of Recognizances.

XXXV. And be it enacted, That every Recognizance so taken shall be without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice of the Division in which such Station House shall be situated, at his next Sitting, and the Time and Place of Appearance shall be specified in the Recognizance; and the Constable shall enter in a Book, to be kept for that Purpose at every such Station House, the Name, Residence, and Occupation of the Party, and his Surety or Sureties (if any), entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice present, at the Time and Place when and where the Party is bound to appear.

Offences for which no Penalty is appointed.

XXXVI. And be it enacted, That for every Misdemeanor or other Offence against this Act for which no special Penalty is appointed the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, either be liable to a Penalty not more than Five Pounds, or be imprisoned for any Time not more than One Calendar Month in any Gaol or House of Correction within the Police District.

Not to repeal Local Acts containing Penalties.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall be construed to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to relieve any Person from being liable under any other Act or Acts to any other or higher Penalty or Punishment than is provided for such Offence by this Act, so (nevertheless) that no Person be punished twice for the same Offence.

Offences how to be tried.

XXXVIII. And be it enacted, That every such Justice shall be empowered summarily to convict any Person charged with any Offence against this Act on the Oath of One or more Witnesses, or by his own Confession, and to award the Penalty or Punishment herein provided for such Offence; and the Matter of every such Complaint shall be heard and determined by One or more of the Divisional Justices at one of the Divisional Offices.

If Penalty not paid, Offender may be committed.

XXXIX. And be it enacted, That in every Case of the Adjudication of a pecuniary Penalty or Amends under this Act, and Nonpayment thereof, it shall be lawful for the Justice to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not more than One Calendar Month where the Sum to be paid should not exceed Five Pounds, the Imprisonment to cease on Payment of the Sum due and the Costs for the Recovery thereof; and so much of every such pecuniary Penalty as shall not be awarded to the Informer, or other Persons who have contributed to the Conviction, shall be paid to the Receiver of the *Dublin* Police, for the Purposes of this Act.

Application of Penalty, &c.

XL. Provided always, and be it enacted, That in all Cases in which a Constable, or other Person holding Office in the *Dublin* Police, shall have contributed to the Conviction, the whole of the pecuniary Penalty shall be paid to the said Receiver, for the Purpose before mentioned.

Commissioners of Paving to erect Urinaries. 47 G. 3. Sess. 2. c. cix.

XLI. And be it enacted, That the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, appointed under the Authority of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, shall provide, as soon as conveniently may be, public Urinaries, at such Places within the Limits of the Police District, and according to such Plans, as the said Police Commissioners may approve.

Commissioners of Paving empowered to purchase Buildings and Ground for such Purpose.

XLII. And be it enacted, That for the Purpose of providing such Urinaries it shall and may be lawful for the said Commissioners of Paving to exercise all the Powers which by the said Act passed in the Forty-seventh Year of the Reign of King *George* the Third are vested in them for the taking or purchase of Ground or Buildings for the Purpose of the said Act; and all and every the Provisions in the said Act contained for taking Ground or Buildings, or ascertaining the Amount of the Purchase Money or Compensation to be paid for the same, or the Application thereof, or making out Title to the same, or disposing of any Part or Parts thereof not required by the said Commissioners of Paving, or otherwise in relation thereto, shall apply and extend to the Purposes of this Act as if repeated and re-enacted herein.

Repair of Urinaries.

XLIII. And be it enacted, That the said Commissioners of Paving shall keep all such Urinaries at all Times in repair and duly cleansed.

Commissioners of Paving empowered to defray the Expence of erecting such Urinaries, &c. 54 G. 3. c. ccxxi.

XLIV. And be it enacted, That it shall and may be lawful for the said Commissioners of Paving to defray the Expence of carrying this Act into execution, as regards such Urinaries, out of all and every the Rates and Assessments which by the said Act of the Forty-seventh Year of the Reign of King *George* the Third, and by an Act passed in the Fifty-fourth Year of the same Reign, intituled *An Act to explain and amend an Act passed in the Forty-seventh Year of His present Majesty's Reign, for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, or by either of the said Acts, the said Commissioners of Paving are empowered to raise and levy, as if such Urinaries had been mentioned in such Act or Acts.

Regulation of Urinaries.

XLV. And be it enacted, That the Use of all such Urinaries as shall be erected or constructed under this Act shall be subject to the Regulation and Control of the said Commissioners of Police.

Supply of Vacancies among Justices.

XLVI. And be it enacted, That all Persons who may be hereafter appointed to supply Vacancies among the Divisional Justices of the said District shall be Barristers, each of whom shall have practised as a Barrister during at least Six Years then last past.

One Divisional Justice may do any Act directed to be done by more than One Justice, except at Petty Sessions.

XLVII. And be it enacted, That it shall be lawful for any One of the said Divisional Justices appointed or hereafter to be appointed to do alone, at any of the Divisional Offices, or at any Place where for any special Purpose he may by Warrant under the Hand of the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* be directed to attend, and to act singly, any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice: Provided always, that none of the said Justices shall be competent to act as a Justice of the Peace, either alone or with any other Justice or Justices, in any thing which is to be done at a Special or Petty Sessions of all the Justices acting in the Division, or by Justices in Quarter Sessions assembled.

Warrant, &c. may be served out of Districts by any Constable of the Force.

XLVIII. And be it enacted, That every Distress or Levy Warrant, or Search Warrant, or Warrant to compel the Appearance of any Person, or Warrant for the Apprehension of any Person charged with any Offence, issued by any of the Divisional Justices, or by the Commissioners of Police, or either of them, in respect of any Matter arising within the Police District, may be served or executed out of the said District by any Constable belonging to the *Dublin* Police or Constabulary Force, or other Peace Officer to whom the same shall be directed, and shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed.

Divisional Justices may proceed by Summons, and if Party summoned does not appear may issue Warrant.

XLIX. And be it enacted, That upon any Information or Complaint to be laid or made before any Divisional Justice of any Matter which such Justice is hereby authorized to hear and determine summarily, he may summon the Party charged, and if such Party shall not appear according to the Tenor of the Summons, any One of the Divisional Justices, upon Proof of the Service of the Summons, may proceed, in all Cases which are not of a Criminal Nature, if no sufficient Cause shall be shown for the Nonappearance of the Party, to hear and determine the Case in the Absence of the Party, and in all Criminal Cases shall issue his Warrant for apprehending and bringing such Party before him or some other Divisional Justice, in order that the said Information or Complaint may be heard and determined.

How Summons may be served.

L. And be it enacted, That every such Summons may be served by delivering a Copy of the Summons to the Party, or by delivering at his usual Place of Abode a Copy of the Summons to the Wife or Servant or some Inmate of the Family of the Party, such Servant or Inmate being of the Age of Sixteen Years or upwards, and explaining the Purport thereof to such Wife, Servant, or Inmate.

Warrant to be issued without Summons, &c.

LI. And be it enacted, That every such Justice may, without issuing any Summons, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him, whenever good Grounds for so doing shall be stated on Oath before him.

Justices may enforce Attendance of Witnesses.

LII. And be it enacted, That any such Justice may summon any Witness to appear and give Evidence before him upon the Matter of any Offence cognizable before such Justice with which any Person shall be charged before him, at a Time and Place appointed for hearing the Information or Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and such Justice may commit any Person coming or brought before him who shall refuse to give Evidence to any Gaol or House of Correction within the Police District, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined, and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person.

LIII. And

Persons convicted of having or conveying stolen Goods liable to Penalty or Imprisonment.

LIII. And be it enacted, That every Person who shall be brought before any of the Divisional Justices charged with having in his Possession, or on his Premises with his Knowledge, or conveying in any Manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Justice how he came by the same, shall be deemed guilty of a Misdemeanor, and on Conviction thereof before such Justice or Justices shall be liable to a Penalty not more than Five Pounds, or, in the Discretion of the Justice, may be imprisoned in any Gaol or House of Correction within the Police District, with or without hard Labour, for any Time not exceeding Two Calendar Months.

On Suspicion of Goods being stolen or unlawfully obtained, Divisional Justices may grant Search Warrants.

LIV. And be it enacted, That if Information shall be given on Oath to any of the Divisional Justices that there is reasonable Cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any Dwelling House or any other Place, it shall be lawful for such Justice, by special Warrant under his Hand, directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by such Warrant; and the said Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Justice, or to guard the same on the Spot, until the Offenders are taken before a Justice, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said Justice every Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Party by whom stolen Goods are received to be examined by the Justices.

LV. And be it enacted, That when any Person shall be brought before any Divisional Justice charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized, and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and shall be liable to a Penalty of not less than Five Pounds, or, in the Discretion of the Justice, may be imprisoned in any Gaol or House of Correction within the Police District, with or without hard Labour, for any Time not exceeding Three Calendar Months.

Justices may order Delivery of stolen Goods.

LVI. And be it enacted, That if any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made thereof to any of the Divisional Justices, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the Police District, it shall be lawful for such Justice to issue a Summons or Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Justice shall think fit, and every Broker or Dealer who being so ordered shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Justice's Order, so that such Action be commenced within Six Calendar Months next after such Orders shall be made.

Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained, and in Custody of Constables.

LVII. And be it enacted, That if any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant of a Divisional Justice, or in Prosecution of any Charge of Felony or Misdemeanor, in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for any Divisional Justice to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or, in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Justice shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person or Persons to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him by Action at Law, so that such Action shall be commenced within Six Calendar Months next after such Order shall be made.

Unclaimed stolen Goods delivered to the Receiver of the

LVIII. And be it enacted, That when any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Divisional Justice to be delivered

District may be sold after Twelve Months.

delivered to the Receiver of the Police District, it shall be lawful for the Receiver, after the Expiration of Twelve Calendar Months during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Police Fund of the said District.

Power to award Costs on hearing of Charges.

LIX. And be it enacted, That it shall be lawful for any Divisional Justice who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet to be paid to or by either of the Parties to the said Charge or Complaint.

Amends may be awarded for frivolous Informations.

LX. 'And whereas Informations are often laid for the mere Sake of Gain, or by Parties not truly 'aggrieved, and the Offences charged in such Informations are not further prosecuted, or it appears upon 'Prosecution that there was no sufficient Ground for making the Charge;' be it enacted, That in every Case in which any Information or Complaint of any Offence shall be laid or made before any of the said Divisional Justices, and shall not be further prosecuted, or which, if further prosecuted, it shall appear to the Justice by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Justice shall have Power to award such Amends, not more than the Sum of Five Pounds, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expences in the Matter, as to the Justices shall seem meet.

Penalties on Informers for compounding Informations.

LXI. And be it enacted, That in case any Person shall lodge any Information before any of the said Divisional Justices for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Justices, any Sum of Money or other Rewards for compounding, delaying, or withdrawing the Information, it shall be lawful for any One of the said Justices to issue his Warrant or Summons, as he may deem best, for bringing before him the Party charged with the Offence of such compounding, Delay, or Withdrawal; and if such Offence be proved by the Confession of the Party, or by the Oath of any credible Witness, such Informer shall be liable to a Penalty not more than Ten Pounds.

Power to lessen the Shares of Informers.

LXII. 'And whereas by divers Acts the Moiety or other fixed Portion of the Penalties to be thereby 'recovered is directed to be adjudged to the Informer, and the same has been found to encourage the 'corrupt Practices of common Informers;' for Prevention thereof be it enacted, That where by any Act now in force or hereafter to be passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any One of the said Divisional Justices before whom the Conviction shall be had to adjudge that no Part, or such Part only of the Penalty as he shall think fit, shall be paid to the Informer.

Power to mitigate Penalties.

LXIII. 'And whereas by divers Acts certain limited Penalties or Terms of Imprisonment are imposed 'for Offences therein mentioned, and sufficient Power is not given to the Justice or Justices before whom 'the Offender is convicted to reduce or lessen such Penalty or Term of Imprisonment, whereby much 'Hardship is experienced;' be it enacted, That where by any Act now in force or hereafter to be passed a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any One of the said Divisional Justices before whom such Conviction shall be had to reduce or lessen such Penalty or Term of Imprisonment, in such Manner as he may think fit: Provided always, that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, shall be reduced by any such Justice below the Amount or Proportion allowed in that Behalf by the Act or Acts specially relating thereunto, without the Consent of the Commissioners of Customs or Excise, or Stamps and Taxes respectively.

Proviso as to Revenue Acts.

Power to remand or enlarge Prisoners on Recognizances.

LXIV. And be it enacted, That any One of the Divisional Justices, if he shall think fit, may remand any Person for further Examination, or may suffer to go at large any Person who shall be charged before him with any Felony or Misdemeanor, upon his Personal Recognizance (with or without Sureties); and every such Recognizance shall be conditioned for the Appearance of such Person before the same or some other of the said Justices for further Examination, or to surrender himself to take his Trial before such Court, and at such Day and Place as shall be therein mentioned; and the Justice shall be at liberty, from Time to Time, to enlarge every such Recognizance to such further Time as he shall appoint; and every such Recognizance which shall not be enlarged shall be discharged, without Fee or Reward, when the Party shall have appeared according to the Condition thereof: Provided always, that whenever any Justices shall take the Recognizance of any Person to appear and take his Trial before any Court of Criminal Jurisdiction, the Justice shall be bound to return the Depositions taken in the Case, and to bind over the Witnesses to appear and give Evidence, in like Manner as if he had committed the Party to take his Trial at such Court.

Disputes between Watermen and others to be settled by Divisional Justices.

LXV. And be it enacted, That all Differences, Complaints, and Disputes which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen, Coal Whippers, Coal Porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River *Liffey* or Harbour of *Kingstown*, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River or Harbour, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the same Persons be employed for any certain Time or in any other Manner, may be heard and determined by any of the said Divisional Justices; and every such Justice is hereby empowered to examine upon Oath any such Labourer as aforesaid, or any other Witness or Witnesses, touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages or Money to such Labourer

Labourer as to the Justice shall seem just, provided that the Sum ordered do not exceed Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint.

Power to order Compensation for wilful Damage by Tenants.

LXVI. And be it enacted, That every Person who shall occupy or shall have occupied any House or Lodging within the Police District as Tenant thereof, and who shall wilfully or maliciously do any Damage to the Premises, or to any Furniture thereof, not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Divisional Justices within One Calendar Month next after the Commission of the Offence, or the End of the Tenantry or Occupation, forfeit and pay such Sum of Money as shall appear to the Justice to be a reasonable Compensation for the Damage done, not more than the Sum of Fifteen Pounds, to be paid to the Landlord or Party aggrieved.

Power to deal summarily with Cases of oppressive Distress.

LXVII. And be it enacted, That on Complaint made to any of the said Divisional Justices by any Person who shall within the Police District have occupied any House or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of any Irregularity or Excess in respect of such Distress, it shall be lawful for such Justice to summon the Party complained against; and if upon the Hearing of the Matter it shall appear to the Justice that such Distress was improperly taken or unfairly disposed of, or that the Charges made by the Party having distrained, or having attempted to distrain, are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be lawful for the Justice to order the Distress so taken, if not sold, to be returned to the Tenant, on Payment of the Rent which shall appear to be due, at such Time as the Justice shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Justice; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than Fifteen Pounds, such Value to be determined by the Justice.

Power to order Delivery of Goods unlawfully detained to the Owner.

LXVIII. And be it enacted, That upon Complaint made to any of the said Divisional Justices by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Police District, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Justice to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof; and if it shall appear to the Justice that such Goods have been detained without just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Justice to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner, (which Amount the Justice is hereby authorized to determine,) or upon Performance, or upon Tender and Refusal of the Performance, of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Nonperformance thereof (the Nature or Amount of which Amends the Justice is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of Fifteen Pounds, such Value to be determined by the Justice: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited, by Suit or Action at Law, from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

Fees.

LXIX. And be it enacted, That such Fees as are contained in the Schedule (A.) to this Act annexed, and no other or greater Fees, may be taken for any Business done or Proceedings had before or by any of the said Justices, or by any Justice or Justices acting in any Police Office within the said Police District, and a Table of such Fees shall be fixed in some conspicuous Part of each of the said Offices, and it shall be lawful for any of the said Justices to refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and that if any such Act shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any of the said Justices to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and in default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand.

Proceedings on Information before Justices.

LXX. And be it enacted, That all Offences committed within the Limits of the Police District which, under this or any other Act, are punishable on summary Conviction before a Justice or Justices of the Peace, may be heard and determined by any One or more of the said Divisional Justices sitting at one of the Divisional Offices, or at any Place within such District where any such Justice may be directed to attend, by Warrant of the Chief or Under Secretary, as herein-before provided, in a summary Way, within Six Calendar Months at the farthest next after the Commission of such Offence, or within such shorter Time as shall be limited by the Act specifying the Offence, and not afterwards, whether or not any Information in Writing shall have been exhibited or taken by or before such Justices, and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual as if an Information in Writing had been first exhibited in that Behalf: Provided always, that a Note or Memorandum in Writing, according to a Form to be approved by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall be made and kept in the Office, of the Substance of every Charge for which a Summons or Warrant shall be issued: Provided also, that the Justice, if he shall think fit,

fit, may require an Information in Writing to be laid, in every Case in which it shall seem to him to be expedient, before the Matter of the Complaint or Charge shall be brought before him; and the Justice shall examine into the Matter of every Complaint or Charge brought before him, and if upon the Confession of the Party accused, or on the Oath of any One or more Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty as to the Justice shall seem fit, not more than the greatest Penalty made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justice.

Recovery of Penalties and Forfeitures.

LXXI. And be it enacted, That all Penalties, Forfeitures, and other Sums of Money imposed, awarded, or ordered to be paid by any of the said Divisional Justices under the Authority of this or any other Act of Parliament, and all Sums of Money which any Person is bound to pay under any Recognizance taken before a Justice, and afterwards forfeited, in case of Nonpayment thereof, may be levied, with the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand of such Justice; and the Overplus (if any) of the Money so raised or recovered, after discharging, with Costs, the Penalty, Forfeiture, or Sum ordered to be paid, shall be returned, on Demand, to the Party whose Goods and Chattels shall have been distrained; and in case any such Penalty, Forfeiture, or Sum of Money shall not be forthwith paid, it shall be lawful for such Justice to order the Party to be detained in safe Custody until the Return can be conveniently made to such Warrant of Distress, unless such Party shall give Security, to the Satisfaction of the Justice, for his Appearance at such Place and Time, not being more than Seven Days from the Time of such Detention, as shall be appointed for the Return of the Warrant of Distress, and the Justice is hereby empowered to take such Security by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no such sufficient Distress could be had whereupon to levy the said Penalty, Forfeiture, or Sum of Money, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the Justice, upon the Confession of the Party or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Sum of Money could be levied if a Warrant of Distress should be issued, it shall be lawful for the Justice, by Warrant under his Hand, to commit such Party to some Gaol or House of Correction within the Police District, there to remain for any Time not more than Two Calendar Months where the Sum to be paid shall not exceed Five Pounds, and not more than Three Calendar Months in any Case, the Imprisonment to cease on Payment of the Sum due.

Forms of Information and Conviction.

LXXII. And be it enacted, That any Divisional Justice before whom any Information shall be laid in Writing against any Person, or before whom any Person shall be convicted in respect of any Offence under this or any other Act of Parliament, may cause the Information, Summons, and the Conviction to be drawn up according to the Forms respectively given in Schedule (B.) to this Act annexed, or any other Forms to the same Effect, as the Case may require: Provided always, that this Enactment shall not invalidate any Information, Summons, or Conviction laid or drawn in any other Form which may be more specially suited to the Case, or may be provided by Law, and in any Information in Writing, and in every Conviction for an Offence contrary to any Statute or Statutes, it shall be sufficient if the Offence shall be stated in the Words of the Statute declaring the Offence or attaching any Penalty thereunto.

In case of Death or Absence of Divisional Justice.

LXXIII. And be it enacted, That if any One or more of the Divisional Justices of the Police District aforesaid, before whom any Information shall be exhibited, or other Proceeding shall be had or taken, or prosecuted or continued, shall die or be absent, pending such Information or Proceeding, or before the same shall be finally disposed of, it shall and may be lawful for any other or others of the said Divisional Justices to entertain, hear, determine, and dispose of such Information and Proceeding, and to do all Acts in relation thereto, in like Manner, and with the like Powers and Authority for all Intents and Purposes, as if such Information had been originally exhibited or Proceeding had or taken before such last-mentioned Justice or Justices respectively.

Plaintiff not to recover after Tender or Amends.

LXXIV. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

LXXV. And be it enacted, That no Action, Suit, or Information, or other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any Thing or Matter omitted to be done in pursuance of this Act, or in the Execution of any Power or Authority under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Three Calendar Months next after the doing or committing such Damage shall have ceased, or unless such Action, Suit, or Information shall be laid or brought in the County or the County of the City of *Dublin;*

Dublin; and if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff thereon, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs as between Attorney and Client, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

So much of 3&4W.4. c.68., 6&7W.4. c.38., and 2&3 Vict. c. 79., as requires Service of Notice on Persons informed against, repealed.

LXXVI. 'And whereas an Act was passed in the Session of Parliament holden in the Third and 'Fourth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the* '*Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail, in* Ireland, and another Act was 'passed in the Session of Parliament holden in the Sixth and Seventh Years of the same Reign, amending 'the said Act, and another Act was passed in the Session of Parliament holden in the Second and Third 'Years of the Reign of Her present Majesty, intituled *An Act for the better Prevention of the Sale of* '*Spirits by unlicensed Persons in* Ireland: And whereas under the Provisions of the said recited Acts it 'is necessary that, after an Information has been exhibited for any Offence, or for the Recovery of any 'Penalty or Forfeiture under the said recited Acts or any of them, a Notice in Writing of such Informa-'tion having been so exhibited shall, within One Week after the Exhibition thereof, be given to the 'Person or Persons against whom the same shall have been so exhibited: And whereas such Notice is 'unnecessary, inasmuch as the Contents of such Information are sufficiently notified to the Party against 'whom the same is exhibited by the Summons directed by the said Acts to be served upon such Party;' be it therefore enacted, That so much of the said recited Acts or any of them as requires the Service of such Notice upon any Person or Persons against whom any Information has been or shall be exhibited for any Offence, or for the Recovery of any Penalty or Forfeiture under the said recited Acts or any of them, or under any Act or Acts amending the same, shall be and the same is hereby repealed.

One Commissioner may act.

LXXVII. And be it enacted, That all Things herein authorized to be done by the Commissioners of Police may be done by either of them.

Act not to affect, except in certain Cases, Proceedings in Informations under Revenue or Stamp Acts.

LXXVIII. Provided always, and be it enacted, That nothing in this Act contained, except the Provision empowering any One of the said Divisional Justices to hear and determine Offences now punishable on summary Conviction by or before Two or more Justices of the Peace, shall extend or be deemed or construed to extend to affect or alter any Proceedings before Justices of the Peace for the Recovery or Condemnation of any Penalties or Forfeitures incurred under any Act or Acts relating to the Revenue of Customs or Excise, or Stamps, or to any Act, Matter, or Thing done by any Officer of Customs or Excise, or Stamps, but that all such Penalties and Forfeitures shall, except as aforesaid, be sued for, recovered, mitigated, and applied under the Enactments and Provisions of the several Acts relating to the said Revenues respectively.

Interpretation of Act

LXXIX. And be it enacted, That in the Construction of this Act, unless there be something in the Context repugnant thereto, the Expression "Police District" shall be understood to signify the Police District of *Dublin* Metropolis; and the Expression "Commissioners of Police" shall be understood to signify the Justices of the Peace for the Police District of *Dublin* Metropolis appointed under the Authority of the herein-before recited Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty, and the Acts amending the same; and the Expressions "Divisional Justice" or "Divisional Justices" shall be understood to signify a Divisional Justice or Divisional Justices of the Police District of *Dublin* Metropolis; and that any Word denoting the Singular Number in the Male Sex shall be taken to extend to any Number of Persons or Things and to both Sexes.

Act may be amended, &c.

LXXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

TABLE of FEES receivable at the several Police Offices in the Police District of DUBLIN METROPOLIS.

	£	s.	d.
Summons and Copy (including Copy of Information when served with Summons)	0	1	0
Warrant	0	1	0
Recognizance	0	2	6
Conviction	0	2	6
Engrossing Information in Assaults, Trespasses, and all Misdemeanors	0	1	0
Appeal to Quarter Sessions	0	2	6
Supersedeas	0	1	0

SCHEDULE (B.)

No. 1.—FORM OF INFORMATION.

Police District of Dublin Metropolis to wit. } *A. B.* of cometh before me, one of the Divisional Justices of the said District, on the Day of in the Year of our Lord at within the said District, and giveth me to understand and be informed that *C. D.* of did, &c. [*here describe the Offence*].

(Signed)

No. 2.—FORM of SUMMONS to be used when a Copy of the Information is not served upon the Party charged.

Police District of Dublin Metropolis to wit. } To *C. D. F.* of . You are hereby required personally to appear before any of the Divisional Justices of the said District who shall be present at in the said District on the Day of One thousand eight hundred and at the Hour of in the noon of the same Day, to answer the Complaint of *A. B.* of charging that you did, *&c.* [*here set forth the Offence charged in the Information*].

Dated this Day of

(Signed)
One of the Divisional Justices of the said District.

No. 3.—FORM of SUMMONS to be used when a Copy of the Information is served upon the Party charged.

Police District of Dublin Metropolis to wit. } To *C. D.* of . You are hereby required personally to appear before any of the Divisional Justices of the said District who shall be present at in the said District on the Day of One thousand eight hundred and at the Hour of in the noon of the same Day, to answer the Complaint set forth in the Information, with a Copy of which you are herewith furnished.

Dated this Day of

(Signed)
One of the Divisional Justices of the said District.

No. 4.—FORM OF CONVICTION.

Police District of Dublin Metropolis to wit. } BE it remembered, That on the Day of in the Year of our Lord before me, One of the Divisional Justices of the said District, sitting at in the said District, *C. D.* of is convicted that he did, *&c.* [*here state the Offence*]. I do therefore adjudge that the said *C. D.* [*here state the Adjudication*]. Given under my Hand the Day and Year first above written.

(Signed)
J. P.

CAP. XXV.

An Act to repeal the present and impose and allow new countervailing Duties and Drawbacks of Excise on Mixtures and Preparations made with Spirits, when removed from or into *England*, *Scotland*, or *Ireland* respectively; and to suspend for a limited Time so much of an Act of the present Session as repeals the Allowance on Spirits made from Malt only in *Ireland*.

[31st *May* 1842.]

6&7W.4. c.72. ‘ WHEREAS an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits, removed from* Ireland *to* England *or* Scotland, *or from* Scotland *to* England, *and to grant countervailing Drawbacks on the Removal of the same; to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom; and to alter the Laws relating to Distillers and Retailers of Spirits:* And whereas an Act was passed in the Third Year of the Reign of Her Majesty, 3&4Vict. c.17. intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes:* And 5Vict. Sess. 2. c.15. whereas an Act was passed in this present Session of Parliament, intituled *An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only, in* Ireland: And whereas by reason of the additional Duty imposed by the said last-mentioned Act on Spirits in *Ireland* the countervailing Duties and Drawbacks now payable under the said first-recited Act of the Sixth and Seventh Years of the Reign of His said late Majesty, on the several Mixtures, Compounds, Preparations, or Commodities therein mentioned, when removed from *Ireland* into *England* or *Scotland*, or from *England* or *Scotland* into *Ireland*, are greater in Amount than the same should be, according to the Rates of Duty now payable on Spirits in *England*, *Scotland*, and *Ireland* respectively, and it is therefore expedient to repeal all the said countervailing Duties and Drawbacks, and to impose other countervailing Duties and Drawbacks in lieu thereof, and to amend the said first-recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties and Drawbacks now payable on the several Mixtures, Compounds, Preparations, and Commodities mentioned and described in the Schedule to the said first-recited Act of the Sixth and Seventh Years of the Reign of His late Majesty annexed, on the Removal of the same from *Ireland* to *Scotland* or *England*, or from *Scotland* to *England* respectively, or from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, shall cease and determine, and in lieu thereof there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon the several Mixtures, Compounds, Preparations, and Commodities mentioned and described in the Schedule to this Act, on the Removal of the same from *Scotland* or *Ireland* respectively into *England*, the several Sums of Money and Duties of Excise as they are respectively inserted, described, and set forth in the said last-

Countervailing Duties and Drawbacks on Articles enumerated in 6&7W.4. c.72. repealed, and new Duties, &c. granted in lieu thereof.

last-mentioned Schedule, and that there shall be allowed and paid on the Removal of such Mixtures, Compounds, Preparations, and Commodities from *England* to *Scotland* or *Ireland* respectively the several Drawbacks of Excise also inserted, described, and set forth in the said Schedule to this Act.

New Duties, &c. to be under the Commissioners of Excise, and recovered and paid as former ones.

II. And be it enacted, That the said Duties and Drawbacks hereby imposed and allowed shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, and recovered, and accounted for, allowed, and paid, in the same Manner, and under the same Laws, Enactments, Clauses, Provisions, Restrictions, Rules, Pains, Penalties, and Forfeitures, (except as otherwise provided for by this Act,) as the Duties and Drawbacks in lieu of which the same are imposed and allowed were charged, raised, levied, sued for, and recovered, and accounted for, allowed, and paid.

So much of 6 & 7 W. 4. c. 72. as relates to the Removal of the Mixtures, &c. from Scotland to Ireland, &c. repealed.

III. And be it enacted, That so much of the said first-recited Act of the Sixth and Seventh Years of the Reign of His said late Majesty as prescribes or provides any Rules or Regulations or imposes any Restrictions on the Removal of any of the said Mixtures, Compounds, Preparations, or Commodities from *Scotland* to *Ireland*, or from *Ireland* to *Scotland*, and as limits or prescribes the Strength of any of the said Mixtures, Compounds, Preparations, or Commodities, or the Quantity of Spirits to be contained therein, when removed from *Scotland* to *Ireland*, or from *Ireland* to *Scotland*, or as requires the same when so removed to be accompanied by a Permit, shall be and the same is hereby repealed.

What shall be deemed Made Wines.

IV. And be it enacted, That no Liquor or Preparation shall be deemed or taken to be Made Wines which shall not have undergone the usual Process of Fermentation in the Manufacture thereof, and be in other respects what has been usually known in *England* as Made Wines, and shall be removed, and shall be described in the Entries and other Documents relating to such Removal, and in the Permits accompanying the same, as Made Wines; and all Made Wines which shall be removed as Sweets, or otherwise than as aforesaid, shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person removing or having removed, or who shall be or shall have been concerned in the Removal of the same, shall forfeit One hundred Pounds.

Proportion of Proof Spirits to be added to and contained in Made Wines removed.

V. And be it enacted, That the Duty hereby imposed and the Drawback granted on Made Wines being fixed on the Calculation that about Twelve Gallons of Proof Spirits are added in every One hundred Gallons of Made Wines, if any Made Wines removed from *Scotland* or *Ireland* to *England* shall have added to them any greater Quantity of Spirits than in the Proportion of Twelve Gallons of Spirits of the Strength of Hydrometer Proof in every One hundred Gallons of such Made Wines, or if any Made Wines, when produced to be shipped from *Scotland* or *Ireland* to *England*, or after the Arrival of the same in *England* respectively, shall be found to contain any greater Quantity of Spirits than in the Proportion of Twenty-four Gallons of Proof Spirits (Twelve of such Twenty-four Gallons being the Calculation or Allowance for Spirit generated by Fermentation) in every One hundred Gallons of such Made Wines, or if any Made Wines removed from *England* to *Scotland* or *Ireland* on Drawback shall have added to them, or shall be found to contain, when produced for Shipment, or after Arrival in *Scotland* or *Ireland* respectively, any less Quantity of Spirits than in the Proportions aforesaid, all such Made Wines shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person removing or having removed, or who shall be or shall have been concerned in the Removal of the same, shall forfeit Two hundred Pounds.

What shall be deemed British Compounds.

6 G. 4. c. 80.

VI. And be it enacted, That all Spirits, and all other Liquors, by whatever Name called, having any Portion of Spirits therein, (not being Mixtures, Compounds, or Preparations, or Commodities or Made Wines, allowed to be removed under the said recited Act and this Act,) which shall be mixed with or shall have had communicated thereto any Flavour of Juniper, Mint, Peppermint, Cloves, Aniseed, Carraway Seeds, or Almonds, or any of the Oils thereof, or of any other Oil, or the Materials producing the same, used by Rectifiers or Compounders, or in the Manufacture of *British* Compounds, and all Juices of Fruit having Spirits added thereto (not being fermented Made Wines), shall be deemed and taken to be *British* Compounds, and shall not be removed from *Scotland* or *Ireland* to *England*, or from *England* to *Scotland* or *Ireland*, under the Penalties and Forfeitures contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation*, for removing *British* Spirits from one Part of the United Kingdom to another Part thereof, contrary to the Regulations of the said last-mentioned Act.

On Question as to Description of Wines, &c. in Permit, Proof to lie on Defendant in Information, Plaintiff in Action against Officer.

VII. And be it enacted, That if, upon the Trial or Hearing of any Information, Action, or other judicial Proceeding, any Question or Dispute shall be raised whether any Made Wines, or any other of the Mixtures, Compounds, Preparations, or Commodities mentioned in the said recited Act, produced to be shipped for Removal or removed from *Ireland* or *Scotland* to *England*, or from *England* to *Scotland* or *Ireland*, are of the Kind, Description, or Denomination mentioned in the Entries or Documents relating to such Removal, or in the Permit obtained for or used on such Removal, the Proof thereof shall lie on the Defendant or Claimant in any Information filed for the Recovery of any Penalty or Duty, or for the Condemnation of any Seizure, and on the Plaintiff in any Action brought against any Officer of Excise or Customs for any Seizure made in respect of any such Removal.

So much of 5 Vict. Sess. 2. c. 15. as repeals the Allowance on Spirits made from Malt only,

VIII. 'And whereas by the said recited Act passed in this present Session of Parliament, intituled *An 'Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt 'only, in* Ireland, the Allowance payable on Spirits distilled from Malted Corn only in *Ireland* is made 'to cease and determine from and after the Eleventh Day of *March* One thousand eight hundred and 'forty-

in Ireland, suspended.

'forty-two: And whereas it is expedient that the Operation of so much of the said Act as determines 'the said Allowance, and as requires the same to be repaid by any Distiller in *Scotland* removing such 'Spirits to *Ireland*, should be suspended;' be it therefore enacted, That so much of the said Act as enacts, that from and after the Eleventh Day of *March* One thousand eight hundred and forty-two the Allowance granted by the recited Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof distilled in *Scotland* and *Ireland* from malted Corn only, not being mixed with any unmalted Corn or Grain whatever, after the Rate of Two Gallons of such Spirits for every Bushel of Barley Malt, or One Bushel and One Fourth of a Bushel and One Third Part of a Gallon of Malt made from Bear or Bigg only, in respect of which Spirits any Distiller in *Scotland* or *Ireland* shall be charged with Duty during the Time that such Distiller shall use Malt only, shall, as respects *Ireland*, cease and determine and be no longer paid or payable, and the several Enactments, Provisions, and Regulations in any Act or Acts of Parliament contained, for claiming or paying the same, be no longer enforced, save and except as in the said Act is saved and excepted, and as enacts, that no Spirits distilled in *Scotland* from unmalted Corn or Grain, mixed or unmixed with Malt, shall be taken out of any Warehouse for Removal to *Ireland*, unless such Spirits were distilled and warehoused by some Distiller not having at the Time when such Spirits were distilled and warehoused any Spirits made from Malt only, or on which any Allowance shall be or shall have been made in respect of the Duty on Malt, in his Stock or Possession or in such Warehouse, and which shall be so certified by the proper Officer at the Time of warehousing and also at the Delivery thereof, nor shall any Spirits made from Malt only, or in respect of which any Allowance as aforesaid has been or shall be made, paid, or received, be taken out of Warehouse in *Scotland* for Removal to *Ireland* until the Allowance so made shall have been repaid by theDistiller to the Commissioners of Excise, or such Person as they shall order or direct to receive the same, and as imposes Penalties and Forfeitures for any Removal contrary to such Enactment, shall be suspended, and shall not be in operation until the First Day of *August* One thousand eight hundred and forty-two; and until the said Day the said Allowance shall continue to be paid and received, and the several Enactments, Provisions, and Regulations relating thereto shall continue in force in *Ireland*, in the same Manner as if the said Act of the present Session had not been passed.

So much of last-recited Act as provides for Malt Spirits removed from Scotland, &c. repealed.

IX. And be it enacted, That so much of the said Act of the present Sessions as directs, that on all Spirits made from Malt only, or in respect of which any such Allowance as aforesaid shall have been or shall be made, which shall be removed from *Scotland* to *Ireland* after the Eleventh Day of *March* One thousand eight hundred and forty-two, such Allowance shall be repaid, and as empowers and requires the Commissioners of Excise to sue for and recover the Amount thereof, shall be and the same is hereby repealed.

Commencement of Act.

X. And be it enacted, That this Act shall commence and take effect from and after the passing thereof.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the aforegoing Act refers.

ARTICLES ENUMERATED.	Countervailing DUTIES from Scotland or Ireland to England.
For every Gallon thereof removed—	£ s. d.
Ether	0 10 5
Sweet Spirits of Nitre	
Camphorated Spirits	
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients	
Compound Spirits of Lavender	
Spirits of Rosemary	
Spirits of Ammonia	
Sal Volatile	
Friar's Balsam	0 6 3
Compound Tincture of Benzoin	
Tincture of Assafœtida	
Tincture of Castor	
Tincture of Kino	
Tincture of Guiacum	
Tincture of Myrrh	
Tincture of Ginger	
Spirit Varnishes	
Other Tinctures and Medicated Spirits	0 4 2
Made Wines	0 0 6

ARTICLES ENUMERATED.	Countervailing DRAWBACKS from England to Scotland or Ireland.
Eor every Gallon thereof removed—	£ s. d.
Ether	0 10 5
Sweet Spirits of Nitre	
Camphorated Spirits	
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients	
Compound Spirits of Lavender	
Spirits of Rosemary	
Spirits of Ammonia	
Sal Volatile	
Friar's Balsam	0 6 3
Compound Tincture of Benzoin	
Tincture of Assafœtida	
Tincture of Castor	
Tincture of Kino	
Tincture of Guiacum	
Tincture of Myrrh	
Tincture of Ginger	
Spirit Varnishes	
Other Tinctures and Medicated Spirits	0 4 2
Made Wines	0 0 6

CAP. XXVI.

An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence.

[31st *May* 1842.]

'WHEREAS it is expedient to alter and amend the Law relating to Ecclesiastical Houses of Residence:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever it shall appear to be expedient to relieve any Bishop having more Episcopal Houses of Residence than One from any of such Houses, or to provide any Bishop with a more convenient House of Residence, or to add to, alter, improve, or take down and rebuild any Episcopal House of Residence, or to improve the Demesnes thereof, it shall be lawful, by the Authority provided in an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, with the Consent under the Hand and Episcopal Seal of the Bishop, to make such Arrangements as may by such Authority be deemed most expedient, for selling and conveying, to such Person or Body Corporate, and for such Consideration as may be approved by the like Authority, any Episcopal House of Residence then belonging to the See of such Bishop, or for taking down the same or any Part thereof, and selling the Site or the Materials thereof (as the Circumstances may render expedient), or for adding to, altering, improving, or taking down and rebuilding any Episcopal House of Residence, or for improving the Demesnes adjoining to any such House by the Purchase of any Land, Tenement, or Hereditament in the immediate Neighbourhood or within the View thereof, or for building a new Episcopal House of Residence for any See on any Site to be approved by the like Authority, and for applying the Proceeds of any such Sale as aforesaid, or any Part thereof, to any of such Purposes, or to any such other Purposes, and in such Manner as shall appear to be most conducive to the permanent Benefit of the See; and that so much of the said Act as relates to the providing of any Bishop with a more suitable and convenient Residence shall be extended so as to include and apply to any of the Purposes of this Act.

Episcopal House may in certain Cases be taken down and sold; or may be rebuilt or altered. 6 & 7 W. 4. c. 77.

Provisions of 6 & 7 W. 4. c. 77. s. 1. made applicable thereto.

II. Provided always, and be it enacted, That in any Scheme which shall be laid before Her Majesty in Council by the Ecclesiastical Commissioners for *England* under this Act, recommending any Arrangement for taking down or selling any Episcopal Residence, or changing the Site thereof, the said Commissioners shall set forth particularly the Grounds and Reasons upon which they deem it expedient to offer such Recommendation.

Commissioners to state their Reasons for the Alteration.

III. And be it enacted, That an Act passed in the Session of Parliament held in the Second and Third Years of Her Majesty's Reign, intituled *An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence*, shall be repealed; provided that nothing herein contained shall affect any subsisting Mortgage made under the Provisions thereof, but that every such Mortgage, and all Proceedings completed and in progress in

Repeal of 2 & 3 Vict. c. 18. except as to subsisting Mortgages.

in respect thereof, shall be as valid and effectual, and all the Parties to such Mortgage or to any such Proceedings shall continue subject to the same Conditions and Provisions, as if the said Act had not been repealed.

Deficiency in Bishop's Income may be supplied.

IV. And be it enacted, That in case such a Deficiency shall have been or would be created in the average annual Income of any Bishop appointed after the passing of the said first-recited Act, by the effecting of any Mortgage or other Arrangement under either of the said Acts or this Act, as to reduce it below the average annual Income of such Bishop named in the first-recited Act, or in any Order of Her Majesty in Council issued under the Provisions thereof, it shall be lawful, by the Authority aforesaid, out of any Monies from Time to Time standing to the Credit and Account of the Ecclesiastical Commissioners for *England*, being Part of Payments from the larger Sees respectively towards the Augmentation of the Incomes of the Bishops of the smaller Sees, if it shall be deemed fit, and if such Monies, after duly considering all the Claims thereon, shall appear to be sufficient for such Purpose, to make any Arrangement for supplying or preventing such Deficiency or any Part thereof which by the like Authority shall be deemed expedient.

Chapters, Deans, and Canons may purchase, and alter, take down, or rebuild.

V. And be it enacted, That it shall be lawful for the Dean and Chapter, or for the Dean, or for any Canon of any Cathedral Church, under the Authority aforesaid, to purchase any Episcopal House of Residence sold under the Provisions of this Act, or the Site of any such House, or any other House or Site, being contiguous or near to such Cathedral Church, or any Part of such House or Site, and to add to, alter, or improve any such House, or to take down the same, and to build another House or more Houses than One upon the Site thereof, or to apply the Site of any such House, or any Part thereof, by and with the Authority aforesaid, to the Improvement of the Cathedral or the Precincts thereof; and

Provisions of 3&4 Vict. c. 113. s. 59. made applicable thereto.

that so much of an Act passed in the Session of Parliament held in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, as relates to the raising of Monies by any Dean or Canon for the Purpose of building, enlarging, or otherwise improving the Residence House of his Deanery or Canonry, shall be extended so as to make lawful the raising of Monies, in the Manner and with the Authority therein provided, by any Dean and Chapter, Dean or Canon, for any Purpose of this Act.

Episcopal House may be made the Deanery or a Canonical House.

VI. And be it enacted, That any House so purchased by the Dean and Chapter, Dean or Canon of any Cathedral Church, or any House erected upon any Site so purchased, may by the Authority aforesaid, and with the Consent of the Dean and Chapter, be made the Deanery, or the House of Residence for any Canon of such Church; and the House theretofore occupied as the Deanery, or any House no longer required as the House of Residence of any Canon, may be so applied or disposed of as may by the same Authority and with the like Consent be determined on.

Provisions of 4&5 Vict. c. 39. s. 18. respecting Disposal of Canonical Houses, &c.

VII. And be it declared and enacted, That the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, respecting the Disposal of Houses no longer required by any Canon, do and shall apply to all such Houses, whether there may have been any Exchange of such Houses or not.

Defining other Provisions of 3&4 Vict. c. 113. s. 68. and extending them to this Act.

VIII. And be it declared and enacted, That the Provisions of the thirdly-recited Act, relating to the Sale and Application of any Sum of Money invested in Trust for any Ecclesiastical Body Corporate, do and shall include and apply to all Monies and Securities for Money, and to all Stock in the Government Funds or elsewhere, standing in the Name of the Accountant General of the Court of Chancery, or in the Name or Names of any other public Officer, or of any Individual or Individuals, for or to the Credit or for the Benefit of or in Trust for any Bishop, Dean, and Chapter, Dean or Canon, whether for the Purpose of being laid out in Land or otherwise; and that the same Provisions, and also the Provisions of the same Act relating to the Sale, Transfer, or Exchange of any Lands or other Hereditaments belonging to any Bishop or Chapter, shall extend and may be applied to any of the Purposes of this Act.

Certain Fixtures and Articles of Furniture in any House sold or taken down may be sold or removed to any other House.

IX. And be it enacted, That whenever any House of Residence to be sold or taken down as aforesaid shall contain any Pictures, Books, or other Goods and Chattels belonging to the Owner of such House in right of his Dignity, and not in his private Capacity, Directions shall be given by the Authority aforesaid for the Sale of such Fixtures and Articles of Furniture as shall be deemed to be unfit for Removal to the new or other House of Residence, and for the Application of the Money arising from such Sale to Purposes consistent, as nearly as may be, with the Source from whence the Money shall have arisen, and also for the Removal to such new or other House of Residence of all such Pictures and Books, and of all such other Fixtures, Goods, and Chattels, as shall be deemed to be fit for Removal thereto, and for the Deposit and Care of them thereat, in conformity, as nearly as may be, with the Uses to which they were previously applicable respectively.

Certain Articles to be deemed Freehold Fixtures.

X. And be it enacted, That in every Case of a House of Residence purchased, built, rebuilt, added to, altered, or improved under the Authority of the first-recited Act or of this Act, or the Provisions of the secondly-recited Act, all Fixtures, Fittings, and other Articles in such House which shall have been or shall be paid for out of any Monies provided or raised under such Authority or such Provisions, and which shall be set forth in an Inventory in Writing, certified under the Common Seal of the said Commissioners, and registered in the Registry of the Diocese, shall be deemed to be, to all Intents and for all Purposes, as much Part and Parcel of the Freehold of such House of Residence as any Fixtures can in any Case now by Law be held to be Part and Parcel of the Freehold.

XI. And

Residence Houses to be insured.

XI. And be it enacted, That it shall be lawful, by the Authority aforesaid, to direct that any House of Residence purchased, built, rebuilt, added to, altered, or improved under the Provisions of the said recited Acts or either of them, or of this Act, shall be insured and kept insured by the Bishop, Dean, or Canon for the Time being in the Occupation thereof, at his own personal Charge and Expence, in such public Office or Offices of Assurance from Loss or Damage by Fire, and in such Sum or Sums, as by the like Authority may be deemed fit, and such House shall be insured and kept insured accordingly; and that the Receipt for every Premium payable for any such Insurance shall be delivered to the said Commissioners within Fourteen Days after such Premium shall become due; and that in case of Loss or Damage by Fire to any such House so insured, it shall be lawful, by the like Authority, to direct in what Manner the Money received under any such Insurance shall be deposited, in Trust to be applied towards the rebuilding or repairing and the reinstating of such House, or of any such Part thereof as may have so suffered Loss or Damage, and also to direct in what Manner the same Money, and the Interest and Accumulations thereof, if any, shall be applied to such last-mentioned Purposes.

Corporations and Persons under legal Disability empowered to sell.

Application of Purchase Money where it exceeds 200*l.*

XII. And be it enacted, That it shall be lawful for any Corporation, Aggregate or Sole, Tenant for Life or in Tail, Guardian, Committee, or Trustee, on behalf of their or his Successors, Heirs, Remaindermen, Issue in Tail, Infants, Lunatics, and Cestuique Trusts respectively, and for any Feme Covert, to contract for, sell, and convey any Lands, Tenements, or Hereditaments, or if Copyhold to enfranchise the same, for any of the Purposes of the first and thirdly recited Acts or this Act; and that if the Purchase Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall be paid, without Fee or Reward, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account *ex parte* the Bishop, Dean, and Chapter, Dean, or Canon, as the Case may be, to whom or for whose Benefit any such Lands, Tenements, or Hereditaments shall have been so sold and conveyed or enfranchised, to the Intent that such Money shall be applied, under the Direction of the said Court, by Order made upon the summary Petition of the Corporation or Person entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrance, or any Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction, in the Purchase of other Lands, Tenements, or Hereditaments, to be conveyed to, for, or upon such and the like Uses, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments so sold, conveyed, or enfranchised stood settled or limited, or such of them as shall be then existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the same Money shall, by like Order, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for any Purpose aforesaid, the Dividends and annual Produce thereof shall, by like Order, be from Time to Time paid to such Corporation or Person; and that any such Purchase Money which shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, shall be paid to Three Trustees, to be nominated in an Instrument in Writing duly executed by such Corporation or Person, and approved by the said Commissioners under their Common Seal; in order that such Principal Money, and the Dividends accruing thereon, may be applied in manner herein-before directed, so far as may be, without the Direction or Approbation of the said Court; and that any such Purchase Money which shall not exceed the Sum of Twenty Pounds shall be paid to such Corporation or Person; and the Certificate of the Cashier of the Bank of *England* shall be a sufficient Discharge for any such Purchase Money as aforesaid therein certified to be received; and in case of Infancy or other Incapacity, the Receipt in Writing of any Guardian, Husband, Committee, or Trustee, as the Case may be, for any such Purchase Money, shall be a sufficient Discharge for the Amount therein acknowledged to be received.

Where less than 200*l.* but exceeding 20*l.*

When not exceeding 20*l.*

Certificate of Cashier and Receipts of Guardians, &c. to be good Discharges.

Restriction as to mortgaging certain augmented Benefices.

XIII. And be it enacted, That the Powers for enabling Incumbents of Benefices to raise Money by way of Mortgage for the Purpose of purchasing, building, or improving their Houses of Residence shall not be exercised by the Incumbent of any Benefice augmented under the Provisions of the thirdly-recited Act, without the Consent of the said Commissioners signified under their Common Seal.

Powers of 3&4 Vict. c. 113. extended to this Act.

XIV. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the thirdly-recited Act, with reference to the Matters therein contained, and all other the Provisions of the same Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively, with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

Act may be amended, &c.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP.

CAP. XXVII.

An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases. [18th *June* 1842.]

'WHEREAS it would be advantageous to Ecclesiastical Benefices if the Incumbents thereof were empowered, with such Consent and under such Restrictions as are herein-after expressed, to 'demise the Lands of or belonging to the same for a Term of Years certain, for Farming Purposes:' May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Incumbent for the Time being of any Benefice, from Time to Time after the passing of this Act, by Deed under his Hand and Seal, with the Consent of the Patron of such Benefice, and of the Bishop of the Diocese wherein the same is locally situated, and where the Lands proposed or intended to be leased are of Copyhold or Customary Tenure with the Consent also of the Lord for the Time being of the Manor of which the same are holden, in any Case where the Lease proposed to be granted could not according to the Custom of the Manor be effectually made without the Licence of the Lord, such respective Consents to be testified by the Persons whose Consents are hereby required respectively being Parties to and signing and sealing such Deeds before the Execution thereof by such Incumbent, to lease any Part of the Glebe Lands or other Lands of or belonging to such Benefice, either with or without any Farmhouses, Cottages, Barns, or other Agricultural Buildings or Conveniences, Parcel of or belonging to such Benefice, to any Person whomsoever, for any Term of Years not exceeding Fourteen Years, to take effect in Possession, and not in Reversion or by way of future Interest, so that there be reserved on every such Lease, payable to the Incumbent for the Time being of such Benefice quarterly in every Year, during the Continuance of the Term thereby granted, the best and most improved yearly Rent that can be reasonably gotten for the same, without taking any Fine, Foregift, Premium, or other Consideration for granting such Lease, and so that no such Lessee be made dispunishable for Waste by any Clause or Words to be contained in such Lease, and so that the Lessee do thereby covenant with the Incumbent granting such Lease, and his Successors, for due Payment of the Rent thereby to be reserved, and of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever which shall be payable in respect of the Premises thereby leased, and do further covenant with such Incumbent and his Successors, that he will not assign or underlet the Hereditaments comprised in such Lease, or any Part thereof, for all or any Part of the Term thereby granted, without the Consent of the Bishop of the Diocese for the Time being and the Patron and Incumbent for the Time being of the said Benefice, to be testified by their respectively being Parties to and sealing and delivering the Deed or Instrument by which any Assignment or Underlease of the same Premises, or any Part thereof, may be effected; and that he will in all respects cultivate and manage the Lands and Hereditaments thereby leased according to the most improved System of Husbandry in that Part of the Country where such Lands and Hereditaments are locally situated, so far as such System may not be inconsistent with any express Stipulation to be contained in such Lease; and that he will keep, and at the End of the Term leave, all the Lands comprised in such Lease, together with the Gates, Drains, and Fences of every Description, and other Fixtures and Things thereupon or belonging thereto, in good and substantial Repair and Condition; and that he will at all Times during the Continuance of the Term keep the Buildings comprised in such Lease, or to be erected during the Term upon the Lands thereby demised, or on any Part thereof, insured against Damage by Fire, in the joint Names of the Lessee, his Executors or Administrators, and of the Incumbent of the Benefice for the Time being, in Three Fourths at the least of the Value thereof; and that he will lay out the Money to be received by virtue of any such Insurance, and all such other Sums of Money as shall be necessary, in substantially rebuilding, repairing, and reinstating, under the Direction of a Surveyor to be for that Purpose appointed by the Incumbent of such Benefice for the Time being and such Lessee, by some Writing under their respective Hands, such Messuages or Buildings as shall be destroyed or damaged by Fire; and so that there be inserted in every such Lease a Reservation for the Use of such Incumbent and his Successors of all Timber Trees and Trees likely to become Timber, and of all Saplings and Underwoods, and of all Mines and Minerals, except as is herein-after provided; and also a Power of Re-entry, in case the Rent thereby to be reserved shall be unpaid for the Space of Twenty-one Days next after the same shall become due, or in case the Lessee shall be convicted of Felony, or shall become a Bankrupt, or shall take the Benefit of any Act or Acts of Parliament now in force or hereafter to be passed for the Relief of Insolvent Debtors, or shall compound his Debts, or assign over his Estate and Effects for Payment thereof, or in case any Execution shall issue against him or his Effects, or in case such Lessee shall not from Time to Time duly observe and perform all the Covenants and Agreements on his Part in such Lease to be contained; and so that the Lessee in each such Lease do execute the same or a Counterpart thereof: Provided always, that any Stipulation, Covenant, Condition, or Agreement in any such Lease to be contained, on the Part of the Lessee, for the Adoption and Use of any particular Mode or System of Cultivation, or for the Drainage or subdividing, or embanking or warping (in those Places where the System of Improvement of Land called warping is or may be practised), of all or any of the Lands comprised in such Lease, or for the Erection of any new or additional Farmhouses, Barns, or Outhouses, or other Farm Buildings, which the Condition or local Situation of the Lands to be comprised in such Lease may require or render expedient, or for putting in repair any Houses, Edifices, or Buildings to be comprised in any such Lease, or for making any substantial Improvements

Incumbents of Benefices empowered, with Consent of Bishop and Patron, to lease Lands belonging to their Benefices for Fourteen Years, under certain Restrictions.

Saving for Covenants respecting Cultivation, Improvements, &c.

Improvements on the Premises, or for the Reservation or Payment of any additional Rent or Rents, or Penalty on Breach of any of the Covenants or Agreements contained in any such Lease, shall not be deemed or construed to be a Fine, Foregift, Premium, or Consideration for the granting of such Lease within the Meaning of this Act: Provided also, that nothing herein contained shall be construed to preclude the Lessor in any such Lease from covenanting that the Lessee shall be entitled to have or take from off the demised Premises Brick Earth, Stone, Lime, or other Materials for the Erection or Repair of any Buildings, or for the Construction or Repair of Drains, or for any other necessary Improvements, and sufficient rough Timber, to be assigned by the Incumbent for the Time being, or his Agent duly authorized, for any of the Purposes aforesaid, and for the making or Repair of Gates and Fences: Provided also, that the Custom of the Country as to outgoing Tenants shall apply to each Lease to be granted under this Act, except so far as the Lease shall contain any express Stipulation to the contrary: Provided also, that the Term to be granted by any such Lease as aforesaid may be Twenty Years in any Case where the Lessee shall covenant thereby to adopt and use any Mode or System of Cultivation more expensive than the usual Course, or to drain or subdivide, or embank and warp, at his Expence, any Part of the demised Premises, or to erect, at his own Expence, on the said Premises, any Buildings, or to repair in a more extensive Manner and at a greater Expence than is usually required of Lessees of Farms any Buildings on the demised Premises, or in any other Manner to improve, at his Expence, the demised Premises or any Part thereof.

In certain Cases Leases may be granted for Twenty Years.

II. And be it enacted, That the Authority given by this Act shall not render valid any Lease to be granted in the Manner herein-before mentioned, unless the Parsonage House or other the House of Residence of or belonging to the Benefice, and all Offices, Outbuildings, Yards, Gardens, Orchards, and Plantations to such Parsonage House or other House of Residence adjoining and appurtenant, and which may be necessary or convenient for actual Occupation with such Parsonage House or other House of Residence, and also so much Glebe Land or other Land of or belonging to the Benefice, and situated the most conveniently for actual Occupation by the Incumbent, as, together with the Site of such Parsonage House or other House of Residence, Offices, and Outbuildings, and with such Yards, Gardens, Orchards, and Plantations as aforesaid, shall amount to Ten Acres at least, if there shall be Ten or more Acres of such Land situated within Five Miles from the Parsonage or other the House of Residence, or if there shall be less than Ten Acres so situated then the whole of such Land, shall be reserved out of or not be comprised in such Lease, and not be comprised in any subsisting Lease for the Time being which shall have been previously granted under the Authority of this Act: Provided always, that in any Case where the Lands comprised in any Lease granted under the Authority of this Act shall be situate Five Miles or upwards from the Parsonage House or other the House of Residence, or (in case there shall be no Parsonage House or other House of Residence) from the Church or Chapel of the Benefice to which such Lands shall belong, the Provision herein contained for the Reservation of a stipulated Number of Acres of the Glebe Land or other Land of or belonging to the Benefice shall not be applicable.

Parsonage House and Offices and Ten Acres of Glebe situate most conveniently for Occupation not to be leased, &c.

Proviso.

III. And be it enacted, That whenever any Lease is intended to be granted under the Authority of this Act a competent Land Surveyor shall be appointed by the Bishop of the Diocese and the Patron and Incumbent of the Benefice, by some Writing under their respective Hands; and such Surveyor shall make a Map or Plan under an actual Survey of the Lands proposed or intended to be leased, and of the other Lands of or belonging to the Benefice, or of such Part or Parts of the said other Lands as will sufficiently show to the Bishop of the Diocese and the Patron of the Benefice the relative Positions or local Situations and Quantities of the Lands proposed or intended to be leased, and of the Lands (if any) intended to be reserved, and as will enable them to form an accurate Judgment of the Situation and Convenience for actual Occupation of the Lands intended to be reserved; and such Surveyor shall certify that the Lands intended to be leased, and such Buildings and other Hereditaments (if any) as are intended to be leased therewith, are proper to be leased to a Tenant under the Provisions of this Act, and (in any Case where the Provision herein-before contained respecting the Reservation of a stipulated Number of Acres may be applicable) that the Lands which are intended to remain unlet are such Part of the Glebe Land or other Land of or belonging to the Benefice as is situated the most conveniently for actual Occupation by the Incumbent thereof; and such Surveyor shall also make a Valuation on actual Survey of the Lands and Hereditaments proposed or intended to be leased, and shall report what is the best yearly Rent which ought to be reserved upon a Lease of such Lands and Hereditaments under the Circumstances under which such Lease is proposed or intended to be granted, and shall state the Course of Husbandry or Management of such Lands and Hereditaments which ought in the Opinion of such Surveyor to be adopted by the Tenant thereof; and in any Case where it is proposed that the Lease shall contain special Covenants on the Part of the Lessee for the Drainage or subdividing, or embanking or warping, of all or any of the Lands to be comprised in the Lease, or for the Erection of any new or additional Farmhouses, Barns, or Outhouses, or other Farm Buildings, or for putting in repair any Houses, Edifices, or Buildings to be comprised in the Lease, or for making any substantial Improvement in the Premises, such Surveyor shall certify that in his Opinion the Covenants for those Purposes are proper Covenants to be entered into by the Lessee under the Circumstances of the Case, and he shall state the Amount by which the yearly Rent to be reserved by the proposed Lease ought in his Judgment to be diminished in respect or on account of the Lessee entering into such Covenants; and in any Case where it is proposed that the Lessee shall be entitled to have or take from off the demised Premises Brick Earth, Stones, Lime, or other Materials, or rough Timber, for any of the Purposes herein-before mentioned, he shall also certify that in his Opinion Covenants on the Part of the Lessor for those Purposes are proper to be entered into,

Before any Lease is granted a Surveyor to be appointed, who is to make Maps, Certificates, Valuation, and Reports respecting such intended Lease.

and that he has taken the Matter into his Consideration in estimating the Amount of Rent to be reserved by the proposed Lease; and such Surveyor shall in all Cases also report upon and state such other Matters or Things (if any) connected with such intended Lease, or the Lands and Hereditaments proposed or intended to be therein comprised, as he shall, by such Bishop, Patron, and Incumbent, or any of them, be directed to report upon; and the Map or Plan, Certificate, Valuation, and Report of such Surveyor shall be respectively signed by such Surveyor, and verified by his Declaration to be made before any Justice of the Peace, and shall, immediately upon the Completion thereof, respectively be delivered to the Bishop of the Diocese: Provided always, that in all Cases in which there shall be in the Possession of the Bishop of the Diocese, or of the Patron or Incumbent of any Benefice, or of the Parish Officers of the Parish in which such Benefice may be comprised, any Map or Plan made under an actual Survey of the Parish, or of such Part thereof as shall include the Lands proposed or intended to be demised, a Copy of or an Extract from such Map or Plan may be substituted for the Map or Plan herein-before directed to be made by any such Surveyor as aforesaid.

An existing Map of the Lands may be used.

Lessor's Receipt for Counterpart or attested Copy of Lease to be Evidence of its Execution, and Execution by Bishop and Patron to be Evidence that the Lands are proper to be leased, &c.

IV. And be it enacted, That the Receipt in Writing of the Incumbent by whom any Lease shall be granted under the Authority of this Act, acknowledging that he has received the Counterpart, or an attested Copy in all Cases where there shall be only One Part, of such Lease, and signed by such Incumbent, and endorsed on the Lease, shall be conclusive Evidence that the Counterpart or Lease (as the Case may be) has been duly executed by the Lessee, and also in all Cases where there shall be only One Part of such Lease that the attested Copy is a true and faithful Transcript of the original Lease; and the Execution by the Bishop and Patron, whose Consents are hereby made requisite, of any Lease to be granted under the Authority of this Act, shall be conclusive Evidence that the Lease does not comprise any Lands which ought not to be leased under the Provisions of this Act, and that a proper Portion of the Glebe Land remains unleased, and that the Rent reserved by such Lease is the best and most improved Rent that could be reasonably gotten for the Lands and Hereditaments comprised therein at the Time of granting such Lease, and that all the Covenants contained in such Lease are proper Covenants.

Surrenders of Leases.

V. And be it enacted, That no Surrender of any Lease which shall have been made under the Authority of this Act shall be valid to any Purpose whatsoever unless the Bishop of the Diocese and the Patron and Incumbent of the Benefice to which the Lands or Hereditaments comprised in such Lease shall belong shall respectively be made Parties to and execute the Deed or Instrument by which such Surrender shall be made; and every such Surrender shall have Operation from the Time only when such Deed or Instrument as aforesaid shall have been executed by all the Persons whose Execution thereof is herein-before required.

In Cases of Peculiars belonging to Bishops, such Bishops to exercise, within their Peculiars, the Powers given by this Act.

VI. 'And whereas there are within divers Dioceses certain exempt Jurisdictions called Peculiars, 'belonging to the Archbishops and Bishops of other Dioceses, and it is expedient that all the Powers, 'Authorities, and Duties by this Act given to or imposed upon the Bishop of the Diocese should, as to 'such Peculiars, be given to and imposed upon the Archbishop or Bishop to whom the same respectively 'belong;' be it therefore enacted, That all the Powers, Authorities, and Duties by this Act given to or imposed upon the Bishop of any Diocese shall, with respect to the several Peculiars locally situated within such Diocese, be exercised and performed by the Archbishop or Bishop to whom such Peculiars shall respectively belong, and not by the Bishop within whose Diocese such Peculiar shall be locally situated, but that with respect to all Peculiars belonging to any other Person than Archbishops or Bishops such Powers, Authorities, and Duties shall be exercised and performed by the Bishop of the Diocese within which such Peculiars shall be locally situate.

Provision where Patron or Lord of Manor is under Incapacity or beyond Seas.

VII. And be it enacted, That whenever the Consent or Concurrence of the Patron of any Benefice, or of the Lord for the Time being of any Manor, is hereby required, and the Patron of such Benefice, or the Lord for the Time being of such Manor, (as the Case may be,) shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, or beyond Seas, it shall be lawful for the Guardian, Committee, Husband, or Attorney (as the Case may be) of such Patron or Lord (but in the Case of a Feme Covert not being a Minor, Idiot, or Lunatic, or beyond Seas, with her Consent in Writing,) to execute the Instrument by which such Consent or Concurrence is to be testified, in testimony of the Consent or Concurrence of such Patron or Lord; and such Execution shall, for the Purposes of this Act, be deemed and taken to be an Execution by the Patron of the Benefice or by the Lord of the Manor (as the Case may be).

Provision where the Patronage of any Benefice is in the Crown.

VIII. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice is hereby required, and the Patronage of such Benefice shall be in the Crown, the Consent or Concurrence of the Crown shall be testified in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the King's Books, the Instrument by which such Consent or Concurrence shall be testified shall be executed by the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the King's Books, such Instrument shall be executed by the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal, for the Time being; and if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster*, such Instrument shall be executed by the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

IX. And

IX. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice is hereby required, and the Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent or Concurrence of the Patron of such Benefice to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) the Instrument by which such Consent or Concurrence is to be testified shall, whenever there shall be a Duke of *Cornwall*, whether he be of full Age or otherwise, be under his Great or Privy Seal, or if there be no Duke of *Cornwall*, and such Benefice shall be in the Patronage of the Crown in right of the Duchy of *Cornwall*, such Instrument shall be executed by the Person or Persons who is or are authorized to testify the Consent or Concurrence of the Crown; and such Instrument, being so sealed or executed, shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice. Provision where the Patronage is attached to the Duchy of Cornwall.

X. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice or of the Lord of any Manor is hereby required, and the Patronage of such Benefice, or (as the Case may be) the Lordship of such Manor, shall belong to any Dean and Chapter, or Collegiate or other Corporate Body having a Common Seal, the Consent or Concurrence of such Dean and Chapter, or Collegiate or other Corporate Body, shall be testified by the sealing of the Instrument by which such Consent or Concurrence is to be testified with the Common Seal of such Dean and Chapter, Collegiate or other Corporate Body. Corporate Bodies may act by their Common Seal.

XI. And be it enacted, That the Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation, who or which would for the Time being be entitled to the Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, be considered to be the Patron thereof: Provided nevertheless, that in the Case of the Patronage being exercised alternately by different Patrons, the Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation, who or which would for the Time being be entitled to the Second Turn or Right of Presentation to any Benefice, if the same were then vacant, shall, for the Purposes of this Act, jointly with the Person or Persons or Corporation entitled to the First Turn or Right of Presentation, be considered to be the Patron thereof. Person who for the Time being would be entitled to present shall be considered the Patron.

XII. And be it enacted, That in all Cases in which any Person shall sustain any more than One of the aforesaid Characters of Bishop of the Diocese, Patron, Lord of the Manor, and Incumbent, in respect of any Benefice to which the Provisions of this Act extend, every such Person shall or may at any Time act in both or all of the Characters which he shall so sustain as aforesaid, and execute and do all and every or any of such Deeds and Acts as are hereby authorized to be executed and done, as effectually as different Persons, each sustaining One of those Characters, could execute and do the same. Provision where any Person shall sustain more than One of the Characters of Bishop, Patron, &c.

XIII. And be it enacted, That whenever any Lands or Hereditaments proposed to be leased under the Provisions of this Act are or shall be vested in any Trustee or Trustees, in Trust for or for the Benefit of any Incumbent hereby empowered to grant Leases as aforesaid, in such a Manner as that the net Income or Three Fourth Parts at the least of the net Income of such Lands and Hereditaments is, are, or shall be payable for the exclusive Benefit of such Incumbent, all the Powers of this Act which, in case such Lands and Hereditaments had been legally vested in such Incumbent for the sole and exclusive Benefit of such Incumbent, might have been exercised by such Incumbent in relation to or affecting the same Lands and Hereditaments, shall or may be exercised by such Incumbent in the same or the like Manner as the same might have been exercised by such Incumbent in case the same Lands and Hereditaments were legally vested in such Incumbent as aforesaid; but in order to give legal Effect to any Lease to be executed in relation to any such Lands and Hereditaments, in pursuance of this Act, the Trustee or Trustees of the Premises intended to be affected thereby shall be made a Party or Parties to such Lease (in addition to the other Parties whose Concurrence is hereby declared to be requisite to any such Lease), and shall join in the Demise intended to be thereby made; and the Trustee or Trustees of any such Lands or Hereditaments is and are hereby directed and required at all Times to execute any Lease to which he or they may be made a Party or Parties, with a view to give legal Effect to any such Lease as aforesaid, as soon as the same may be tendered to him or them for Execution, after the same shall have been duly executed by the Incumbent beneficially entitled to such Premises, and the Bishop and Patron, whose Consents are hereby declared to be requisite to the Validity of any Lease granted by such Incumbent; and the Fact that any such Lease is executed by the said other Parties shall be a sufficient Authority for the Execution thereof by the Trustee or Trustees of the same Premises, and it shall not at any Time afterwards be necessary for such Trustee or Trustees, or for any other Person or Persons, to prove that such Deed was executed by such other Parties, or any of them, prior to the Execution thereof by such Trustee or Trustees; provided that no Trustee shall by virtue of or under this Provision be compellable to execute any Lease whereby he shall render himself in any way liable, further than by a Covenant for quiet Enjoyment by any Lessee against the Acts of the Trustee executing such Deed. The Power of the Act to extend to Lands, &c. held in Trust for Corporations.

XIV. And be it enacted, That the Part of every Lease granted under this Act, which shall belong to any Incumbent, or, in case there shall not be more than One Part of any such Lease, an attested Copy thereof, and every Surrender to be made under this Act, together with the Writing by which a Surveyor shall have been appointed as aforesaid, and the Map or Plan, or Copy of or Extract from a Map or Plan, (as the Case may be,) Certificate, Valuation, and Report herein-before directed to be made before the granting of such Lease, shall, within Six Calendar Months next after the Date of such Lease, be deposited in the Office of One of the Registrars of the Diocese wherein such Benefice shall be locally situated, to be perpetually kept and preserved therein, except where the Benefice shall be under the Peculiar Jurisdiction of any Archbishop or Bishop, in which Case the several Documents before mentioned shall be deposited in the Office of the Registrar of the Incumbent's Part of all Instruments, and all Maps, &c. shall be deposited in the Bishop's Registry, except as to Peculiars belonging to Bishops.

Peculiar Jurisdiction to which such Benefice shall be subject; and such Registrars respectively, or their respective Deputies, shall, upon any such Deposit being so made, sign and give unto the Incumbent a Certificate of such Deposit; and such Lease or attested Copy and other Documents so to be deposited shall be produced, at all proper and usual Hours, at such Registry, to the Incumbent of the Benefice for the Time being, or to the Patron of such Benefice for the Time being, or to any Person on their or either of their Behalf, applying to inspect the same; and an Office Copy thereof, respectively certified under the Hand of the Registrar or his Deputy, (and which Office Copy, so certified, the Registrar or his Deputy shall in all Cases, upon Application in that Behalf, give to the Incumbent for the Time being of such Benefice,) shall in any Action against the Lessee, and in all other Cases, be admitted and allowed in all Courts whatsoever as legal Evidence of the Contents of such Lease, or of any such other Document, and of the due Execution of the Counterpart of such Lease by the Lessee, if there shall be any Counterpart, and of the due Execution of the Lease and of every such other Document by the Parties who on the Face of such Office Copy shall appear to have executed the same; and every such Registrar shall be entitled to the Sum of Five Shillings, and no more, for so depositing as aforesaid the Documents herein-before directed to be deposited, and for certifying the Deposit thereof, and the Sum of One Shilling, and no more, for each Search and Inspection, and the Sum of Sixpence, and no more, over and besides the Stamp Duty (if any) for each Folio of Seventy-two Words of each Office Copy so certified as aforesaid.

Deposited Documents to be produced to Incumbent, &c. on Application, and Office Copies given, which are to be admitted as Evidence in all Courts.

Charges which the Registrar is entitled to make.

Interpretation of Act.

XV. And be it enacted, That in the Construction and for the Purposes of this Act the several following Words shall have the Meanings herein-after assigned to them respectively (unless there shall be something in the Subject or Context repugnant to such Construction); (that is to say,)

The Word "Person" shall be construed to include the Queen's Majesty, and any Corporation, Aggregate or Sole, as well as private Individual:

The Word "Lands" shall be construed to include Lands of any Tenure:

The Word "Benefice" shall be construed to comprehend every Rectory, Vicarage, Perpetual Curacy, Donative, endowed Public Chapel, Parochial Chapelry, and District Chapelry, the Incumbent of which in right thereof shall be a Corporation Sole:

And every Word importing the Singular Number shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as to several Persons or Things:

And every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

To what Parts only the Act shall extend.

XVI. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

Act may be amended, &c. this Session.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVIII.

An Act to assimilate the Law in *Ireland*, as to the Punishment of Death, to the Law in *England*; to abolish the Punishment of Death in certain Cases in *Ireland*, and to substitute other Punishments in lieu thereof. [18th *June* 1842.]

'WHEREAS it is expedient to alter and amend various Statutes now in force in *Ireland* relative to certain Offences by the said Statutes now punishable with Death, and to assimilate the Law in *Ireland* as to the Punishment of Death in certain Cases to the Law in *England*: And whereas by an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual Punishment of Bigamy*, it was amongst other things enacted, that if any Person pretending to be a Popish Priest, or any degraded Clergyman, or any Layman pretending to be a Clergyman of the Church of *Ireland* as by Law established, should, after the Twenty-fifth Day of *April* in the Year of our Lord One thousand seven hundred and twenty-six, celebrate or take upon him to celebrate any Marriage between Two Protestants or reputed Protestants, or between a Protestant or reputed Protestant and a Papist, such degraded Clergyman, and Layman pretending to be a Clergyman, should be and was thereby declared to be guilty of Felony, and should suffer Death as a Felon, without Benefit of Clergy: And whereas it is expedient that none of the said Offences should be henceforth punishable with Death:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall, after the Commencement of this Act, be convicted of any of the Offences herein-before mentioned, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for Seven Years: Provided always, that nothing in this Act contained shall alter or in anywise affect the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal certain Penal Enactments made in the Parliament of* Ireland *against Roman Catholic Clergymen for celebrating Marriages contrary to the Provisions of certain Acts made in the Parliament of* Ireland.

Recital of 12 G.1.c.3.s.1. (I.) inflicting the Punishment of Death on Popish Priests, or degraded Clergymen, or pretended Clergymen, celebrating Marriages between Protestants, &c.

Transportation for Seven Years substituted for the Punishment of Death for the Offences herein mentioned.

3&4 W.4.c.102.

Recital of 11 G.2.c.5.(I.)

II. 'And whereas by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act for enforcing and making perpetual an Act, intituled* "*An*

'"*Act*

‘ “ *Act for preserving all such Ships, and Goods thereof, which should happen to be so forced on shore or* inflicting the
‘ “ *stranded upon the Coasts of this Kingdom, and also for inflicting the Punishment of Death on such as* Punishment of
‘ “ *should wilfully burn or destroy Ships,*” it was among other things enacted, that for the effectual pre- Death for
‘ venting the wilful casting away, burning, or otherwise destroying of Ships by the Owners, Masters, and burning or
‘ Mariners thereof and thereto belonging, if any Owner of, or Captain, Master, or Mariner, or other destroying
‘ Officer belonging to any Ship should after the Twenty-fifth Day of *March* which should be in the Year Ships by Own-
‘ of our Lord One thousand seven hundred and thirty-eight, wilfully cast away, sink, burn, or otherwise ers, Masters, or
‘ destroy the Ship of which he was the Owner, or unto which he belonged, or in any Manner otherwise Mariners.
‘ direct and procure the same to be done, to the Prejudice of any Person or Persons, Bodies Politic or
‘ Corporate, that should underwrite or execute any Policy or Policies of Insurance thereon, or of any
‘ Merchant or Merchants that should load Goods thereon, and should be lawfully convicted thereof, such
‘ Person or Persons so offending should be adjudged guilty of Felony, and should suffer Death without
‘ Benefit of Clergy, or of the Statute made in the Ninth Year of the Reign of Her late Majesty Queen
‘ *Anne*, intituled *An Act for taking away the Book in all Cases, and for repealing Part of the Statute for* 9 Ann. (I.)
‘ *transporting Felons:* And whereas it is expedient that none of the herein-before last-mentioned Offences
‘ should henceforth be punishable with Death;’ be it therefore enacted, That if any Person shall, after Transportation
the Commencement of this Act, be convicted of any of the Offences herein-before last mentioned, such for Life or not
Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but less than Fifteen
shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the Years, &c.
natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any substituted for
Term not exceeding Three Years. the Punishment of Death.

III. ‘ And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-ninth Year of the 29 G. 2. c. 5.
‘ Reign of King *George* the Second, intituled *An Act to prohibit the Return into this Kingdom of such of* (I.), prohibiting
‘ *His Majesty's Subjects as now are, or at any Time hereafter shall be, in the Service of the* French *King*, Persons serving
‘ it was enacted, that every Person, being a natural-born Subject of this Kingdom, who then was or here- the French
‘ after should be an Officer, Soldier, or Mariner in the Service of the *French* King, who should land or King, repealed.
‘ should be found in *Ireland*, or should be found on board any Ship, Vessel, or Boat, being so on board
‘ with Intent to land in this Kingdom, and every Person or Persons who should within this Kingdom
‘ knowingly aid, abet, conceal, comfort, or succour any such Officer, Soldier, or Mariner returning into
‘ this Kingdom, should stand and be adjudged guilty of Felony without Benefit of Clergy, and should
‘ suffer and forfeit as Persons attainted of Felony by the Laws of the Land ought to suffer and forfeit:
‘ And whereas it is expedient to repeal the said last-recited Act;’ be it therefore enacted, That the said
recited Act, and the several Matters therein contained, shall from and after the Commencement of this
Act be and the same are hereby repealed.

IV. ‘ And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty- Recital of
‘ second Years of the Reign of King *George* the Third, intituled *An Act for establishing a Bank by the* 21 & 22 G. 3.
‘ *Name of the Governors and Company of the Bank of* Ireland, it was amongst other things enacted, c. 16. s. 16. (I.)
‘ that if any Officer or Servant of the Governor and Company of the Bank of *Ireland*, being intrusted inflicting the
‘ with any Note, Bill, Dividend Warrant, Bond, Deed, or any Security, Money, or other Effects belonging Punishment of
‘ to the said Governor or Company, or having any Bill, Dividend Warrant, Bond, Deed, or any Security Death for
‘ or Effects of any other Person or Persons lodged or deposited with the said Company, or with him as Embezzlement
‘ an Officer or Servant of the said Company, shall secrete, embezzle, or run away with any such Note, by Servants of
‘ Bill, Dividend Warrant, Bond, Deed, Security, Money, or Effects, or any Part of them, every Officer so Bank of Ireland
‘ offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall of any Note, &c.
‘ suffer Death as a Felon without Benefit of Clergy: And whereas it is expedient that the said last-
‘ mentioned Offences should no longer be punishable with Death;’ be it therefore enacted, That from and Transportation
after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before for Life or
last mentioned, such Person shall not suffer Death, or have Sentence of Death awarded against him or Seven Years, &c.
her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for substituted for
the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be the Punishment
imprisoned for any Term not exceeding Three Years. of Death.

V. ‘ And whereas by an Act passed in the said Parliament of *Ireland* in the Twenty-third and Twenty- Recital of
‘ fourth Years of the Reign of King *George* the Third, intituled *An Act for the more effectually punishing* 23 & 24 G. 3.
‘ *such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who* c. 20. ss. 1. to 8.
‘ *shall be guilty of other Offences therein mentioned, and for making satisfaction to the Parties injured*, it (I.) inflicting
‘ was among other things enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled the Punishment
‘ together, should, at any Time after the passing of the said Act, wilfully and maliciously pull down, demolish, of Death for
‘ set fire to, or destroy, or should begin to pull down, demolish, set fire to, or destroy, any Storehouse, Obstruction of
‘ Mill, Granary, Corn Stack, or other Place where Corn, Grain, Meal, Malt, Flour, or Potatoes are usually the Corn Trade,
‘ stored or kept for Exportation or Sale, or should unlawfully enter or break into any such Storehouse, or injuring
‘ Mill, Granary, or other Place, or take, carry away, throw abroad, or spoil, or attempt by Force to take, Storehouses,
‘ carry away, throw abroad, or spoil, any Corn, Meal, Malt, Flour, or Potatoes stored or kept therein, or Vessels, &c.
‘ should unlawfully enter on board any Ship, Vessel, or Boat wherein any Corn, Grain, Meal, Malt, Flour, or used in the
‘ Potatoes should be laden, and wilfully take, carry away, cast overboard, destroy, or damage any of Corn Trade.
‘ the said Articles laden therein, or wilfully cut, injure, spoil, or take away the said Ship, Vessel, or
‘ Boat, or the Rigging, Furniture, Tackle, or Rudder thereof, or any Part of such Ship, Vessel, or Boat,
‘ Rigging, Furniture, or Tackle, or unlawfully, wilfully, and by Force obstruct or prevent, or endeavour
‘ to obstruct or prevent, the loading or laying any of the said Articles on board any Ship, Vessel, or

‘ Boat,

'Boat, or should unlawfully, wilfully, and by Force prevent, or endeavour to obstruct or prevent, any 'Ship, Vessel, or Boat laden therewith, or in which any of the said Articles should be laden, from sailing; 'or should unlawfully, wilfully, and knowingly, and by Force, stop, seize, detain, take, or drive away 'any Horse, Car, Cart, or Carriage, or Boat, laden with any of the said Articles, on the Way to or from 'any Mill, Store, Granary, or Market, Seaport, or Place of Shipping, with a view or intent to prevent the 'Corn, Grain, Meal, Malt, Flour, Bread, Biscuit, or Potatoes therein or laden thereon, or any Part 'thereof, from being taken to the House, Vessel, Storehouse, Place, or Person to which it was intended 'to be carried, or should wilfully kill or maim any Horse or Horses or other Beast or Beasts laden 'therewith, or should wilfully and forcibly cut or otherwise break or destroy any of the Sacks, or scatter 'or throw abroad any of the aforesaid Articles, wherewith such Car, Cart, Carriage, Horse, or Boat might 'or should be laden, or take away or distribute, or compel the Owner, Driver, or Conductor thereof to 'distribute, sell, or otherwise dispose of any such Article wherewith such Car, Cart, Carriage, Horse, or 'Boat might or should be laden, or take away or distribute, sell, or otherwise dispose of any such Article 'wherewith such Car, Cart, Carriage, Boat, Horse, or other Beast is laden, or any Part thereof, or should 'wilfully destroy any Weir, Sluice, Mill Dam, Drain, or Outwork belonging or appertaining to any Mill, 'every such Person so offending in any of the said Matters, and all Parties unlawfully, riotously, or 'tumultuously assembled who should aid or assist in the Commitment or the attempting to commit any 'of the said Offences, being thereof lawfully convicted, should be adjudged Felons, and suffer Death as 'in the Case of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act 'further enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled together, 'should unlawfully and with Force demolish or pull down, or begin to demolish or pull down, or wilfully 'set fire to, or break into or attempt to break into, any Building, Dwelling House, Warehouse, Work-'shop, Workhouse, Mill, Granary, Storeroom, Barn, Stables, or any House, Building, or Outhouse 'whatsoever, every such demolishing, pulling down, breaking into, setting fire to, or beginning to 'demolish or pull down, or attempting to break into or set fire to, should be adjudged Felony without 'Benefit of Clergy, and the Offenders therein, being thereof lawfully convicted, should be adjudged 'Felons, and suffer Death as in case of Felony without Benefit of Clergy: And whereas it was by the 'said last-recited Act further enacted, that if any Persons, unlawfully, riotously, and tumultuously 'assembled, should unlawfully and by Force, in the Day or Night, destroy or begin to destroy any 'Machine or Part of a Machine, or any Tool or Utensil, used or intended to be used for the Purpose 'of Manufacture, or should unlawfully or by Force cut, break, or destroy any Goods manufactured or 'unmanufactured, or if any Person or Persons should wilfully or maliciously set fire to, burn, demolish, 'pull down, or otherwise destroy any Fire Engine or other Engine erected for draining Water from any 'Colliery or Mine, or for raising Coals or Minerals out of any Colliery or Mine, every Person convicted 'thereof should be adjudged a Felon, and suffer Death as in the Case of Felony without Benefit of 'Clergy: And whereas it is expedient that the said last-mentioned Offences should no longer be punish-'able with Death;' be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation for Seven Years, &c. substituted for the Punishment of Death.

VI. 'And whereas by an Act passed in the said Parliament of *Ireland* in the Twenty-seventh Year of 'the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual 'Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking 'unlawful Oaths*, it was among other things enacted, that if any Persons, to the Number of Twelve or 'more, being unlawfully, riotously, and tumultuously assembled to the Disturbance of the public Peace, 'at any Time after the Twenty-fifth Day of *March* One thousand seven hundred and eighty-seven, and 'being required or commanded in the King's Name, by any One or more Justice or Justices of the 'Peace, or by the Sheriff of the County or his Under-Sheriff, or by the Mayor, Sheriff, Bailiff or Bailiffs, 'or other Head Officer or Justice of the Peace of any City or Town Corporate where any such Rising 'or Assembly should be, by Proclamation made in the King's Name, in the Form in the said now being 'recited Act after directed, to disperse themselves, and depart to their Habitations, should, to the Number 'of Twelve or more, notwithstanding such Proclamation made as aforesaid, unlawfully, riotously, and 'tumultuously remain or continue together as aforesaid for the Space of One Hour after such Proclamation 'made as aforesaid, then such continuing together as aforesaid, to the Number of Twelve or more, after 'such Proclamation made as aforesaid, should be adjudged Felony without Benefit of Clergy, and the 'Offenders therein, being by due Course of Law thereof convicted, should be adjudged Felons, and 'should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it was by the said 'last-recited Act further enacted, that if any Person or Persons should, by Threats, Messages, or with 'Force, wilfully or knowingly oppose, obstruct, let, or hinder any Person or Persons who should begin to 'proclaim, or go to proclaim, according to the Proclamation thereby directed to be made, whereby such 'Proclamation should not be made, then every such threatening, opposing, obstructing, letting, hindering, 'or hurting any such Person or Persons so beginning or going to make such Proclamation as aforesaid 'should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being by due Course 'of Law thereof convicted, should be adjudged Felons, and should suffer Death as in Cases of Felony 'without Benefit of Clergy; and that also every such Person or Persons so being unlawfully, riotously, 'and tumultuously assembled, to the Number of Twelve or more, as aforesaid, to whom Proclamation 'should or ought to have been made if the same had not been hindered as aforesaid, should likewise, in

Recital of 27 G. 3. c. 15. ss. 1. & 3. (I.) inflicting the Punishment of Death for tumultuous Risings and Assemblies;

and for opposing Proclamations, &c. being made.

'case

'case they or any of them, to the Number of Twelve or more, should continue together in manner 'aforesaid, and not disperse themselves within One Hour after such Let or Hinderance so made, having 'Knowledge of such Let or Hinderance, be adjudged Felons, and being by due Course of Law thereof 'convicted should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is 'expedient that the said last-mentioned Offences should be no longer punishable with Death;' be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation for Life or not less than Fifteen Years, &c. substituted for the Punishment of Death.

VII. 'And whereas it was by the last-recited Act of the Twenty-seventh Year of the Reign of King 'George the Third further enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled, 'should unlawfully and with Force demolish or pull down, or begin to demolish or pull down, any Church 'or Chapel for the Celebration of Divine Service according to the Usage of the Church of *Ireland*, or 'any Building used for Religious Worship, or if any Person or Persons should wilfully burn or set fire to, 'or should maliciously fasten up, any Church or Chapel or other Building for Religious Worship as 'aforesaid, or by Threats or Force prevent or obstruct any Clergyman from officiating or celebrating 'Divine Service therein, or should maim or hurt any Clergyman officiating or performing, or about to 'officiate or perform, Divine Service therein, then every such demolishing or pulling down, or beginning 'to demolish or pull down, or burning or setting fire to, fastening up, preventing or obstructing, maiming 'or hurting, should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being by 'due Course of Law thereof convicted, should be adjudged Felons, and should suffer Death as in Cases 'of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act further enacted, 'that if any Person or Persons should dig, erect, or provide, or cause or procure to be dug, erected, or 'provided, any Grave, Gallows, or Gibbet, or any Instrument for inflicting bodily Pain or Punishment, 'in order to induce or compel any Person or Persons to enter into, support, maintain, or assist in any 'unlawful Combination or Agreement whatsoever, or in order to deter or prevent any Person from giving 'Evidence in any Suit or Prosecution, Civil or Criminal, or to prevent the Collection of any lawful Rates 'or Taxes, or should make use of any Manner of Force, or inflict or threaten to inflict any Manner of 'bodily Pain or Punishment whatsoever, or destroy or threaten to destroy the Property of any Person, 'in order to induce or compel any Person to enter into, support, or maintain, or assist in any unlawful 'Combination or Conspiracy whatsoever, or to prevent the Collection of any such Rates or Taxes, or to 'deter or prevent any Person from giving Evidence in any Suit or Prosecution, Civil or Criminal, or on 'account of any Persons having declined or refused to enter into any unlawful Combination or Agree-'ment, or on account of any Persons having given Evidence in any Action or Prosecution, Civil or 'Criminal, every such Person, and all Persons aiding, abetting, and assisting therein, being thereof by 'due Course of Law convicted, should be adjudged guilty of Felony without Benefit of Clergy, and 'should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it was by the said 'last-recited Act further enacted, that if any Person should print, write, post, publish, or knowingly 'circulate or deliver, or should cause or procure to be printed, written, posted, published, circulated, or 'delivered, any Notice, Letter, or Message exciting or tending to excite any Riot, tumultuous Meeting, 'or unlawful Combination or Confederacy, every such Person, being by due Course of Law thereof 'convicted, should be adjudged a Felon, and suffer Death as in Cases of Felony without Benefit of 'Clergy: And whereas it is expedient that the said last-mentioned Offences should be no longer punish-'able with Death;' be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Three Years.

Recital of 27 G. 3. c. 15. s. 5. (I.) inflicting the Punishment of Death for riotous assembling to pull down or injure Churches, &c.;

for deterring Persons from giving Evidence or collecting Rates;

and for issuing Notices to excite Riot.

Transportation substituted for the Punishment of Death for the Offences herein specified.

VIII. 'And whereas it was by the said last-recited Act further enacted, that every Person, not lawfully 'thereunto authorized, who should forcibly seize any Arms or Ammunition belonging to any Person or 'Persons, or should forcibly, or by Menace or Intimidation, exact or levy from any Person any Contri-'bution in Money or Goods, or should by Insinuation, Menaces, Threats, or Violence cause any Person 'unwillingly to deliver any Arms or Ammunition, Money or Goods, to any Person or Persons, or Place 'or Places, and every Person who should knowingly and voluntarily supply Horses, Arms, or Ammu-'nition to any Person or Persons, for the Purpose of assisting any Person or Persons in the Execution of 'any of the Offences in this Act mentioned, and be by due Course of Law thereof convicted, should be 'adjudged a Felon, and suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it 'is expedient that the said last-mentioned Offence should be no longer punishable with Death;' be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for the Term of his or her natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for a Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall think fit) in addition to such Imprisonment.

Recital of 27 G. 3. c. 15. s. 10. (I.) inflicting the Punishment of Death for seizing Arms or Ammunition, or for voluntarily supplying the same, &c.

Transportation, &c. substituted for the Punishment of Death for the Offences herein specified.

IX. 'And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-second Year of the 'Reign of King *George* the Third, intituled *An Act for the employing at hard Labour Persons sentenced to* '*be*

Recital of 32 G. 3. c. 27. s. 4. (I.) in-

flicting the Punishment of Death for receiving an escaped Prisoner, &c.

'*be transported*, it was among other things enacted, that if any Person should receive any Person duly 'confined in such Penitentiary House, or assist in breaking open the same, in order to free any Person 'therein duly confined, or should assist any Person so duly confined in making his Escape therefrom, the 'Person so offending, being duly convicted, should be considered guilty of Felony, and suffer Death as a 'Felon without Benefit of Clergy: And whereas it is expedient that none of the herein-before last-men-'tioned Offences should henceforth be punishable with Death;' be it therefore enacted, That if any Person shall, after the Commencement of this Act, be convicted of the Offence of receiving any Person duly confined in such Penitentiary House, such Person, so convicted, shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be imprisoned for any Period not exceeding Five Years.

Imprisonment substituted for the Punishment of Death for said Offence.

Assisting in breaking open any such Penitentiary punishable with Transportation.

X. And be it enacted, That if any Person after the Commencement of this Act shall be convicted of assisting in breaking open any such Penitentiary House to free any Person confined therein, or of assisting any Person so duly confined in making his Escape therefrom, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for his or her natural Life, or for the Term of Seven or Fourteen Years, or to be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

Recital of 51 G. 3. c. 63. s. 6. inflicting the Punishment of Death for a Second Escape from Prison, &c.

XI. 'And whereas by an Act passed in the Parliament of the United Kingdom in the Fifty-first Year 'of the Reign of King *George* the Third, intituled *An Act to authorize the Punishment by Confinement 'and hard Labour of Persons in* Ireland *liable to Transportation*, it was enacted, that if any Person 'ordered to hard Labour as in the said Act mentioned should at any Time during the Term for which he 'or she should be so ordered to hard Labour break Prison, or escape from the Place of his or her Confine-'ment, or from the Person or Persons having the lawful Custody of such Offender, he or she so breaking 'Prison or escaping should, on Conviction, for the First Escape be punished by doubling the Term of 'the Service and hard Labour to which he or she was liable at the Time of such Escape, and on Con-'viction for a Second Escape be adjudged guilty of Felony without Benefit of Clergy, and suffer Death 'accordingly: And whereas it is expedient that the said recited Offence of a Second Escape from Prison 'should no longer be punishable with Death;' be it therefore enacted, That if any Person shall, after the Commencement of this Act, be convicted of the Offence of a Second Time breaking Prison, or escaping from the Place of his or her Confinement, such Person so convicted shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for his or her natural Life, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation, &c. substituted for the Punishment of Death for the within-named Offence.

Recital of 11 G. 3. c. 7. (I.) and 9 G. 4. c. 54. s. 16. inflicting the Punishment of Death for returning from Transportation.

XII. 'And whereas by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign 'of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences 'to the Persons or Properties of His Majesty's Subjects with intent to hinder the Exportation of Corn*, it 'was among other things enacted, that if any Offender transported under the Provisions of the said Act 'should return into the Kingdom of *Ireland* before the Expiration of the Term in the said Act mentioned 'he or she should suffer Death as a Felon without Benefit of Clergy: And whereas by an Act passed 'in the Parliament of the United Kingdom in the Ninth Year of the Reign of King *George* the Fourth, 'intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, it was 'among other things enacted, that if any Person heretofore sentenced or ordered, or hereafter to be 'sentenced or ordered to be transported, or who should have agreed to transport or banish himself or 'herself, on certain Conditions, either for Life or for any Number of Years, should be afterwards at large 'within any Part of the United Kingdom, without some lawful Cause, before the Expiration of his or her 'Term of Transportation or Banishment, every such Offender should be guilty of Felony, and should 'suffer Death as a Felon, and that every such Offender might be tried in the County or Place where 'such Offender should be found at large, or in the County or Place at which such Sentence or Order of 'Transportation or Banishment was passed or made: And whereas it is expedient that the said Offences 'should be no longer punishable with Death;' be it therefore enacted, That from and after the Commencement of this Act so much of the said Two last-recited Acts as inflicts the Punishment of Death upon Persons convicted of the Offence therein and herein-before specified shall be and the same is hereby repealed, and that every Person convicted of the Offences above specified in the said Two last in part recited Acts shall be liable to be transported beyond the Seas for his or her natural Life, and previously to Transportation shall be imprisoned in any Common Gaol, House of Correction, Prison, or Penitentiary for any Term not exceeding Four Years.

Transportation for Life, with previous Imprisonment, substituted for the Punishment of Death.

Recital of 9 G. 4. c. 54. s. 17. inflicting the Punishment of Death for killing or maiming Cattle, &c.

XIII. 'And whereas by an Act passed in the Parliament of the United Kingdom in the Ninth Year 'of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in 'Ireland relative to malicious Injuries to Property*, it was among other things enacted, that if any 'Person should unlawfully and maliciously kill, maim, or wound any Cattle, every such Offender 'should be guilty of Felony, and being convicted thereof should suffer Death as a Felon: And whereas 'it is expedient that the said last-mentioned Offence should be no longer punishable with Death;' be it therefore enacted, That from and after the Commencement of this Act if any Person shall be convicted of the said Offence herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for any Term not exceeding Fifteen Years nor less than Ten Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation substituted for the Punishment of Death for said Offence.

XIV. 'And

Recital of 10 G. 4. c. 34. ss. 18, 19, 20. inflicting the Punishment of Death for Rape, &c.

Transportation for Life substituted, &c.

XIV. ‘ And whereas by an Act passed in the said Parliament in the Tenth Year of the same Reign, ‘ intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the* ‘ *Person*, it was among other things enacted, that every Person convicted of the Crime of Rape should ‘ suffer Death as a Felon, and that if any Person should unlawfully and carnally know and abuse any ‘ Girl under the Age of Ten Years, every such Offender should be guilty of Felony, and being convicted ‘ thereof should suffer Death as a Felon: And whereas it is expedient that the said Offences herein- ‘ before last specified should no longer be punishable with Death;’ be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him for the same, but shall be liable to be transported beyond the Seas for the Term of his natural Life.

Recital of 10 G. 4. c. 34. s. 22. inflicting Death for Abduction, &c.

Transportation for Life or for not less than Seven Years substituted.

XV. ‘ And whereas by the said last-recited Act it was further enacted, that if any Person should by ‘ force take or carry away any Woman or Girl against her Consent, with Intent that such Person or any ‘ other Person should marry or defile her, any such Offender should be guilty of Felony, and being con- ‘ victed thereof should suffer Death as a Felon: And whereas it is expedient that the said Offence herein- ‘ before last specified should no longer be punishable with Death;’ be it therefore enacted, That from and after the Commencement of this Act, if any Person should be convicted of the said Offence herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him for the same, but shall be liable to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

Piracy to be punishable by Transportation for Life or for not less than Fifteen Years, &c.

XVI. And be it enacted, That whosoever shall be convicted of any Offence which by any Act or Acts in force in *Ireland* amounts to the Crime of Piracy, and is thereby made punishable with Death, shall not suffer Death, or have Sentence of Death awarded against him for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Persons punishable by Transportation liable to Imprisonment previous thereto.

XVII. And be it enacted, That all Persons who shall be convicted of any of the Felonies herein-before specified as Principals or Accessaries before the Fact, and who shall be punishable by Transportation under and by virtue of this Act, shall be liable, previously to their being transported, to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, or to be confined in the Penitentiary, for any Term not exceeding Four Years nor less than One Year, in case the Court before whom such Person shall be convicted shall think fit.

Principal in the Second Degree punishable as in First Degree.

XVIII. And be it enacted, That any Principal in the Second Degree or Accessary before the Fact who, in respect of any of the Offences above set forth or referred to, would be punishable with Death, shall instead thereof be punishable in the same Manner as the Principal in the First Degree is by this Act made punishable.

Imprisonment to be with or without hard Labour, or solitary.

XIX. And be it enacted, That in awarding the Punishment of Imprisonment for any Offence punishable under this Act it shall be lawful for the Court to direct such Imprisonment to be with or without hard Labour in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, whether the same be with or without hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year, as to the Court in its Discretion shall seem meet.

Breach of the Laws for collecting the Revenue in Ireland, punishable with Death under 52 G. 3. c. 143., to be punishable as in England.

XX. ‘ And whereas by an Act passed in the Parliament of the United Kingdom in the Fifty-second ‘ Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act* ‘ *the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in* ‘ *breach of or resistance to any Parts of the Laws for collecting His Majesty's Revenue in* Great Britain, ‘ it was among other things enacted, that in all Cases where any Act to be done or committed, after the ‘ passing of the now-recited Act, in breach of or in resistance to any Part of the Laws for collecting His ‘ Majesty's Revenue in *Great Britain*, would, by the Laws then in force, subject the Offender to suffer ‘ Death as guilty of Felony without Benefit of Clergy, by virtue of the said Laws or any of them, such ‘ Act so to be done or committed should be deemed and taken to be Felony with Benefit of Clergy, and ‘ punishable only as such, unless the same should also be declared to be Felony without Benefit of Clergy ‘ by the now-recited Act: And whereas it is expedient to assimilate the Law in *Ireland* in that respect ‘ with that of *Great Britain*;’ be it therefore enacted, That when any Act to be done or committed by any Person in *Ireland*, in breach of or in resistance to any Part of the Laws for collecting Her Majesty's Revenue in *Ireland*, would, by the Laws now in force there, subject the Offenders to suffer Death, by virtue of the said Laws or any of them, such Act so to be done or committed shall be deemed and taken to be punishable only as such Act if done or committed in *Great Britain* may be punishable by any Act or Acts in force in *Great Britain*.

This Act not to repeal the Prisons Act, 7 G. 4. c. 74.

XXI. And be it enacted, That nothing in this Act contained shall be construed to extend to the Alteration or Repeal of any of the Powers, Provisions, or Regulations contained in an Act made and passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, or in any Act or Acts for amending the same.

Commencement of Act.

XXII. And be it enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and forty-two.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. XXIX.

An Act for establishing a Prison at *Pentonville*. [18th *June* 1842.]

'WHEREAS it will be of great public Advantage that a new Prison be provided in which Criminal Offenders may be imprisoned and corrected, and may receive such Instruction and may be subjected to such Discipline as shall appear most conducive to their Reformation and to the Repression of Crime, and that Provision be made for the future Disposal of such Offenders: And whereas a Building has been erected at *Pentonville* in the County of *Middlesex* which may be conveniently used for such Purpose, and the same is now completed for the Reception of Convicts:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Building shall be called "The *Pentonville* Prison," and shall be used as a Prison for such Offenders as are herein-after specified, and shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, and of an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons.*

The Pentonville Prison shall be used as a Prison for the Offenders herein-after specified.

5 & 6 W. 4. c. 38.

2 & 3 Vict. c. 56.

Prison to be exempt from Taxes.

II. And be it enacted, That the said Prison, and all the Lands, Tenements, and Hereditaments thereunto belonging, with the Appurtenances thereof, and all Persons in respect thereof, shall be wholly freed and discharged from all Taxes, Rates, Assessments, and Charges whatsoever.

Provisions for Confirmation of Title.

III. And be it enacted, That from and after the Expiration of Five Years after the passing of this Act the said Prison, and all Lands, Tenements, and Hereditaments purchased before the passing of this Act for the Purposes thereof, under the Powers of this Act shall become and remain absolutely vested in Her Majesty, Her Heirs and Successors; and that if any Proceedings shall be taken before the Expiration of the said Term of Five Years, upon which Judgment shall be obtained for the Recovery of the Possession of any such Lands, Tenements, and Hereditaments, then, within Two Calendar Months after such Judgment shall be obtained, there shall be paid or tendered to the Person obtaining such Judgment, instead of such Lands, Tenements, or Hereditaments, his Costs on the Proceedings for obtaining such Judgment, and such Sum of Money as a Jury, in the Manner herein-after mentioned, shall find to have been the Value of the said Lands, Tenements, and Hereditaments.

Jury to ascertain the Value to be paid.

IV. And be it enacted, That the Jury which shall try any Proceeding brought for the Recovery of the Possession of any of the said Lands, Tenements, or Hereditaments shall at the same Time ascertain the Value thereof at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof; and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Persons seeking to recover Possession thereof, and the Value so ascertained shall be the Amount to be paid, instead of such Lands, Tenements, and Hereditaments.

Appointment of Commissioners for governing the Prison.

V. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to nominate and appoint any Number of fit Persons, not being less than Seven or more than Eleven, to be Commissioners for governing the said Prison; and it shall be lawful for Her Majesty, with the like Advice, from Time to Time to remove all or any of the said Commissioners, and to appoint others in their Stead, or instead of such as shall die, or resign, or be unable by Sickness or otherwise to attend.

Appointment of Officers.

VI. And be it enacted, That it shall be lawful for the said Commissioners, with the Approval of One of Her Majesty's Principal Secretaries of State, to appoint for the said Prison a Governor, a Chaplain or Chaplains, being Clergymen not having any other Cure of Souls, and a Medical Officer, and, with the like Approval, to remove all or any of them; and it shall also be lawful for the said Commissioners to appoint, and at their Pleasure to remove, so many other Officers and Servants as One of Her Majesty's Principal Secretaries of State shall deem to be necessary for the Service and Discipline of the Prison; and the Secretary of State, with the Approval of the Commissioners of Her Majesty's Treasury, shall fix the Salaries to be paid to the said Governor, Chaplain or Chaplains, Medical Officer, and other Officers and Servants of the Prison: Provided always, that no Chaplain so to be appointed shall officiate at the said Prison until he shall have obtained a Licence for that Purpose from the Bishop of the Diocese of *London*, nor for any longer Time than while such Licence shall be in force; and Notice of every such Appointment of a Chaplain shall be sent to the Bishop by the said Commissioners within One Calendar Month next after such Appointment.

Secretary of State may require Security from Officers.

VII. And be it enacted, That it shall be lawful for the Secretary of State, if he shall deem it necessary, to require any Person employed in the said Prison to give Security for the due Performance of his Duties, in such Sums, and with such collateral Securities, and in such Form, as the Secretary of State shall direct.

For ousting dismissed Officers.

VIII. And be it enacted, That if any Person appointed to any Office or Employment in the said Prison who shall be removed from his Office or Employment shall refuse or neglect to quit the said Prison, or to give up Possession of any House, Building, or Apartment therein or belonging thereto, within such Period as shall be fixed by the Secretary of State in any Order or Notice in Writing, not being

being less than Forty-eight Hours after the Delivery to such Person of any such Order or Notice, then it shall be lawful for any Justice of the Peace acting for the County of *Middlesex*, on Application of any One of the said Commissioners, by Warrant under the Hand and Seal of such Justice to direct the Sheriff of the County to remove such Person out of the Prison, and the said Sheriff shall thereupon clear the Possession thereof, so far as relates to any Part of the Prison, or any House, Building, or Apartment therein or belonging thereto occupied by or in possession of such Person, in like Manner as upon a Writ of Habere facias possessionem.

Commissioners to have the same Powers as Visiting Justices, and make Rules for their Meetings subject to Approval of Secretary of State.

IX. And be it enacted, That the said Commissioners shall have the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison; and all Enactments respecting the Visiting Justices of any Prison shall be deemed to apply to the said Commissioners with respect to the *Pentonville* Prison; and the said Commissioners shall hold Meetings, and they or any Three of them shall be empowered from Time to Time to make and alter Rules for their Meetings, and for all Matters relating thereunto, and also for the Government of the said Prison, and for the Duties and Conduct of the Governor and other Officers of the Prison, and for the Diet, Clothing, Maintenance, Employment, and Discipline of the Convicts imprisoned therein, as to the said Commissioners shall seem fit: Provided that no such Rule, whether it be original, or an Amendment or Revocation of a former Rule, shall be enforced until it shall have been approved by One of Her Majesty's Principal Secretaries of State.

Commissioners to appoint Visitors from among themselves.

X. And be it enacted, That the said Commissioners shall from Time to Time appoint One or more of themselves to visit the *Pentonville* Prison during the Intervals between their Meetings, and, if they shall think fit, may delegate Power to such Visitors or any of them to make any Order or give any Direction, in Cases of pressing Emergency within the said Prison, which might be made or given by the said Commissioners, provided that every such Order or Direction shall be in Writing, and shall be reported, with the Circumstances by which the same was occasioned, to the Commissioners at their next Meeting.

Commissioners to be a Body Corporate.

XI. And be it enacted, That the Commissioners of the said Prison, and their Successors, shall be a Body Corporate, and shall sue and be sued by the Name of "The Commissioners for the Government of the *Pentonville* Prison."

Commissioners empowered to contract for Clothing, Diet, &c.

XII. And be it enacted, That the Commissioners shall have Power to make Contracts with any Persons whomsoever for the Clothing, Diet, and other Necessaries for the Maintenance and Support of the Convicts confined in such Prison, and for the Implements or Materials for any Kind of Manufacture or Trade in which Convicts confined in such Prison shall be employed, and also to carry on such Manufacture or Trade in such Prison, and to sell such Goods, Wares, and Merchandize, as shall there be wrought or manufactured.

Commissioners shall make Reports to the Secretary of State, to be laid before both Houses of Parliament.

XIII. And be it enacted, That the said Commissioners shall, on or before the Tenth Day of *March* in each Year, and oftener if required by One of Her Majesty's Principal Secretaries of State, make Reports in Writing under the Hands of Three or more of them to the Secretary of State, specifying the State of the Buildings, the Behaviour and Conduct of the Officers of the Prison and of the Convicts, the Amount of the Earnings of the Convicts, and the Expence of such Prison, and such other Matters relating to the Discipline and Management of such Prison as they shall deem expedient, or as the Secretary of State shall direct; and every such Report shall be laid before both Houses of Parliament within One Calendar Month next after the Receipt thereof, if Parliament shall be then sitting, or if not, then within One Calendar Month after the then next Meeting of Parliament.

Offenders under Sentence of Transportation may be removed to the Pentonville Prison.

XIV. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct the Removal to the *Pentonville* Prison of any Male Convict under Sentence or Order of Transportation, who, having been examined by an experienced Medical Officer, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol, Prison, or Place in which such Offender shall be confined; and the Sheriff or Gaoler having the Custody of any Convict whose Removal to the *Pentonville* Prison shall be ordered in manner aforesaid shall, with all convenient Speed after the Receipt of any such Order, convey or cause to be conveyed every such Convict to the said Prison, and if, upon Examination by the Medical Officer of the *Pentonville* Prison, he shall appear fit to be received into the Prison, shall there deliver him, or cause him to be delivered, into the Custody of the Governor of the *Pentonville* Prison, with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which such Convict was sentenced, containing the Sentence of every such Convict by virtue of which he shall be in the Custody of such Sheriff or Gaoler, and also a Certificate specifying such Particulars within the Knowledge of the Sheriff or Gaoler concerning such Convict as may be from Time to Time directed by One of Her Majesty's Principal Secretaries of State; and the Governor of the *Pentonville* Prison shall give a Receipt in Writing for every Convict received into his Custody to the Sheriff or Gaoler, for his Discharge; and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place, for which the Court in which the Offender shall be convicted shall have been holden.

Reception of Convicts.

XV. And be it enacted, That when any Convict who shall be ordered to be confined in the said Prison shall be brought thither, in pursuance of the Powers contained in this Act, he shall continue in the Custody of the Person in whose Custody he shall have been brought to the Prison until he shall have been examined by the Medical Officer, and until it be certified by the Medical Officer that he is fit to be received into the Prison, and if the Medical Officer shall certify that he is not fit to be received there, he shall be conveyed back in the same Custody to the Prison or Place of Confinement from which he was brought.

Terms of Imprisonment in the Pentonville Prison.

XVI. And be it enacted, That every Convict who shall be received into the Custody of the Governor of the *Pentonville* Prison shall continue there until he shall be transported according to Law, or conditionally pardoned, or shall become entitled to his Freedom, or until the Secretary of State shall direct the Removal of such Convict to any other Prison or Place of Confinement in which he may be lawfully imprisoned: Provided always, that every such Convict shall nevertheless be within the Provisions of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, in case One of Her Majesty's Principal Secretaries of State shall direct that he shall be afterwards removed from the *Pentonville* Prison as herein provided.

5 G. 4. c. 84.

Discharge of Convicts.

XVII. And be it enacted, That no Convict who shall have been received into the Custody of the Governor of the *Pentonville* Prison shall be dismissed from the said Prison at the End or other Determination of his Term, if he shall then labour under any acute or dangerous Distemper, unless at his Request; and when such Convict shall be finally discharged such decent Clothing, and such Assistance in Money, or otherwise, as shall be judged proper by the Commissioners, shall be given to such Convict.

Hours of Work.

XVIII. And be it enacted, That such Convicts may be employed in Work at the said Prison, every Day in the Year, except *Sundays*, *Christmas Day*, *Good Friday*, and any Day appointed for a General Fast or Thanksgiving, so many Hours, not exceeding Twelve, exclusive of the Time allowed for Meals and Exercise, as the Commissioners shall order: Provided always, that the said Commissioners, by a written Order, may allow any Convict, at his own Request, to labour for a longer Time than is required by the Rules of the Prison.

None but Officers to enter Apartments of the Prison.

XIX. And be it enacted, That no Person, except the Commissioners, Officers, and Servants of the Prison, or such Persons as shall be authorized according to the Rules made by the said Commissioners, shall be allowed at any Time to enter any Part of the Prison or Airing Yards allotted to or used by the Prisoners, or to converse or hold Communication of any Kind with any of them.

Governor to have the same Power over Prisoners in his Custody as the Sheriff and Gaoler.

XX. And be it enacted, That after Delivery of any such Convict as aforesaid into the Custody of the Governor of the *Pentonville* Prison, such Governor or other Person having the Custody of Convicts under his Direction shall, during the Term for which such Convicts shall be ordered to remain in his Custody, have the same Powers over such Convicts as are incident to the Office of Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment to which a Gaoler is now liable by Law.

Convicts Punishment for assaulting Governor or other Officers.

XXI. And be it enacted, That if any Convict in the *Pentonville* Prison shall assault the Governor, or any Officer or Servant employed therein, the Commissioners may order him to be prosecuted for the said Offence, and upon Conviction thereof such Convict shall be liable to be imprisoned for any Term not exceeding Two Years, in addition to the Term for which at the Time of committing such Offence he was subject to be confined, and shall also be liable to corporal Punishment, if the Court shall so order.

Convicts may be removed from the Prison as incorrigible.

XXII. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State at any Time to order any Convict to be removed from the *Pentonville* Prison as incorrigible; and in every such Case the Convict so removed shall be liable to be transported, under his original Sentence of Transportation, to the full Extent of the Term specified in such Sentence, and shall be liable to all the Consequences of such Sentence, in the same Manner as if no Order for sending him to the *Pentonville* Prison had been made.

Commissioners to report insane Convicts for Removal.

XXIII. And be it enacted, That if any Convict confined in the said Prison shall become or be found to be insane during such Confinement, and be so reported by the Commissioners to One of Her Majesty's Principal Secretaries of State, it shall be lawful for such Secretary of State, by Warrant under his Hand, to order that such insane Convict shall be forthwith removed to such Lunatic Asylum as the said Secretary of State may judge proper; and every Convict so removed shall remain under Confinement in such Asylum, or in any other Lunatic Asylum to which such Convict may be lawfully removed, until it shall be duly certified to One of Her Majesty's Principal Secretaries of State by Two Physicians or Surgeons that such Convict has become of sound Mind, whereupon, if the Time for which such Convict was sentenced to be imprisoned shall not have expired, the Secretary of State shall issue his Warrant to the Governor or other Person having the Care of such Asylum, ordering that such Convict be remanded to the *Pentonville* Prison, or, if the Period of Imprisonment of such Convict shall have expired, that he be discharged.

Punishment of Convicts for breaking Prison.

XXIV. And be it enacted, That every Convict who shall be ordered to be imprisoned in the *Pentonville* Prison, who at any Time during the Term of such Imprisonment shall break Prison, or who, while being conveyed to such Prison, shall escape from the Person or Persons having the lawful Custody of such Convict, shall be punished by an Addition not exceeding Three Years to the Term of his Imprisonment, and if afterwards convicted of a Second Escape or Breach of Prison shall be adjudged guilty of Felony; and every Convict in the *Pentonville* Prison who at any Time during the Term of his Imprisonment shall attempt to break Prison, or who shall forcibly break out of his Cell, or make any Breach therein with Intent to escape therefrom, shall be punished by an Addition not exceeding Twelve Calendar Months to the Term of his Imprisonment.

Punishment of Persons rescuing or attempting to rescue Prisoners.

XXV. And be it enacted, That every Person who shall rescue any Convict who shall be ordered to be imprisoned within the *Pentonville* Prison, either during the Time of his Conveyance to the said Prison or of his Imprisonment therein, and also every Person who shall aid in any such Rescue, shall be guilty of Felony; and every Person having the Custody of any such Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Under Keeper, Turnkey, Assistant, or Guard, who shall knowingly and wilfully allow such Convict to escape, and also every Person who, by supplying Arms, Tools,

Tools, or Instruments of Disguise, or otherwise, shall in any Manner aid any such Convict in any Escape, though no Escape be actually made, and every Person who shall attempt to rescue any such Convict, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody as aforesaid who shall carelessly allow any such Convict to escape shall be guilty of a Misdemeanor, and being lawfully convicted of such Misdemeanor shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

Punishing Officers, &c. for furnishing Convicts with prohibited Articles.

XXVI. And be it enacted, That every Officer or Servant of the *Pentonville* Prison who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles whatsoever not allowed by the Rules of the Prison, shall be forthwith suspended from his Office by the Governor of the Prison, who shall report the Offence to the Commissioners at their next Meeting, and the Commissioners shall inquire thereof upon Oath, which they shall be empowered to administer, and upon Proof of the Offence shall dismiss such Officer or Servant, and may also, if they shall think fit, cause the Offender to be apprehended, and carried before a Justice of the Peace, who shall be empowered to hear and determine any such Offence in a summary Way; and every such Officer or Servant, upon Conviction of such Offence before a Justice of the Peace, shall be liable to pay a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justice, to be imprisoned in the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding Six Calendar Months.

Penalty for false Evidence.

XXVII. And be it declared and enacted, That every Person who upon Examination on Oath or Affirmation before the said Commissioners shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Mode of Trial and Conviction.

XXVIII. And be it enacted, That every Convict or other Person who shall commit any Offence mentioned in this Act, or in any way relating to the *Pentonville* Prison, for which he is not liable to be summarily convicted, may be tried before the Justices of Oyer and Terminer, either at the Central Criminal Court or for the County in which the Offender shall be taken; and in any Case of any Prosecution for any such Offence, either against a Convict or against any other Person or Persons concerned therein or accessory thereunto, a Copy, properly attested, of the Order of Commitment to such Prison, with Proof that the Person then in question before the Court is the same who was delivered with such Order, and Production of the Register of the said Prison, shall be sufficient Evidence of all the Facts entered in such Register as to such Convict, without the Production of any Record of Conviction or other Proof that such Convict had been convicted of Felony, and legally ordered to be imprisoned in the *Pentonville* Prison.

Expences of executing this Act to be laid before Parliament.

XXIX. And be it enacted, That an Account of the Expences of carrying this Act into execution shall be annually laid before both Houses of Parliament, and after deducting therefrom such Profit as may have arisen from the Earnings of the Convicts over and above the Expences occasioned by their Labour, the Remainder shall be provided for by Parliament.

For Protection of the Commissioners, &c.

XXX. And be it enacted, That the Provisions of all Acts of Parliament for rendering Justices of the Peace safe in the Execution of their Offices shall extend to the said Commissioners and to the Governor of the *Pentonville* Prison.

Limitation of Actions.

XXXI. And be it enacted, That all Actions, Suits, and Prosecutions to be commenced by any Person or Persons for any thing done in pursuance of this Act shall be laid or tried in the County or Place where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Act may be amended, &c.

XXXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXX.

An Act to provide Regulations for preparing and using Roasted Malt in colouring Beer.

[18th *June* 1842.]

‘ WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act made in the Fifty-first Year of His present Majesty, for allowing the Manufacture and Use of a Liquor prepared from Sugar for colouring Porter*, Brewers of, Dealers in, and Retailers of Beer in *Great Britain* are prohibited from receiving or taking into or having in their Custody, or making or using, or mixing with or putting into any Worts or Beer, any Liquor, Extract, Calx, or other Material or Preparation such as had been theretofore or as should thereafter be made use of for or in the darkening of the Colour of Worts or Beer, other than Brown Malt, ground or unground, as commonly used in brewing: And whereas by an Act passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in* Ireland, *and to the Allowance in respect of the Malt Duty on Spirits made in* Scotland *and* Ireland *from Malt only*, Brewers in *Ireland* are prohibited from receiving into or having in their Custody or Possession, or using in brewing, or mixing with or putting into any Worts or Beer, any Ingredients, Preparation, or Material whatsoever, in addition to or for or as a Substitute for Malt or Hops, or for the Purpose of diluting or darkening the Colour of Worts or Beer, other than Brown Malt, ground or unground, as commonly used in brewing: And whereas the Brown

56 G. 3. c. 58.

7 & 8 G. 4. c. 52.

‘ Malt

'Malt mentioned in the said recited Acts is Malt made brown or dark by being more highly dried on the 'Malt Kiln of the Maltster in completing the Process of malting, and known also as Blown Malt: And 'whereas Malt prepared by being roasted in Cylinders after the Process of malting has been completed, 'and commonly known as Roasted Malt or Roasted Amber Malt, has been found to be a preferable 'Material in brewing for darkening or improving the Colour of Beer and Ale; but from the Difficulty of 'distinguishing unmalted Grain when roasted from Roasted Malt great Frauds may be committed on the 'Revenue of Excise on Malt by the Use of such Roasted Malt; and it is therefore expedient to provide 'Regulations for the Preparation, Sale, and Use of the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act no Malt shall be roasted for Sale, nor shall any Roasted Malt be sold, sent out, or delivered by any Person, other than a Roaster of Malt or Dealer in Roasted Malt duly licensed and entered under the Provisions of this Act.

Prohibiting the roasting of Malt for Sale, or the selling thereof, except by Persons duly licensed.

Roasters of Malt, and Dealers in Roasted Malt, to take out a Licence.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and forty-two every Roaster of Malt before he shall begin to roast any Malt, and every Dealer in Roasted Malt before he shall sell, send out, or deliver any such Malt, shall take out an Excise Licence, authorizing such Person to carry on the Trade or Business of a Roaster of Malt or Dealer in Roasted Malt, and shall at the Expiration of such Licence, and yearly from Year to Year so long as such Person shall carry on the said Trade or Business respectively, renew the same, paying yearly for such Licence, if a Roaster of Malt, the Sum of Twenty Pounds, and if a Dealer in Roasted Malt the Sum of Ten Pounds, and every such Licence shall be in force until the Fifth Day of *July* in each Year, and shall then expire; and every Person who shall carry on the Trade or Business of a Roaster of Malt, by roasting any Malt, or selling, sending out, or delivering any Roasted Malt, or of a Dealer in Roasted Malt, by selling, sending out, or delivering any Quantity thereof, without having taken out or renewed and having then in force such Licence as aforesaid, shall forfeit One hundred Pounds.

Penalty.

Duty on Licences to be under the Management of the Commissioners of Excise, who shall grant the same.

III. And be it enacted, That the Duties by this Act imposed on Licences to be taken out by Roasters of Malt and Dealers in Roasted Malt shall be under the Management of the Commissioners of Excise for the Time being, and shall and may be raised, levied, collected, answered, and recovered, paid over, and accounted for, in such and the like Manner, and in or by any of the general or special Ways, Means, or Methods by which any other Duties of Excise on Licences are or may be raised, levied, collected, answered, or recovered, paid over and accounted for; and every such Licence shall be in such Form as the Commissioners of Excise shall direct, and shall be granted by the said Commissioners, or their Officers duly authorized to grant Licences under any Law or Laws of Excise; and all Enactments, Provisions, Regulations, Pains, Penalties, and Forfeitures under any Law or Laws of Excise relating to Licences shall extend to and be put in force in respect of such Licences, and the Duties thereon, and the Persons required to take out and renew the same respectively, as fully and effectually as if such Enactments, Provisions, Regulations, Pains, Penalties, and Forfeitures were repeated and re-enacted in this Act.

Roasters of Malt to make Entry of their Premises and Utensils.

IV. And be it enacted, That every Roaster of Malt shall, before beginning to roast any Malt, make a true and particular Entry in Writing, signed by such Roaster of Malt, of every Warehouse, Storehouse, Shop, Room, or other Place, and where situated, intended to be made use of by him for the receiving, preparing, roasting, and keeping of Malt, and also of every Furnace, Cylinder, or other Utensil to be made use of in roasting Malt, by delivering such Entry to the Officer of Excise in whose Survey his Premises shall be situated; and in every such Entry every Warehouse, Storehouse, Shop, Room, or other Place, and every Furnace, Cylinder, and other such Utensil as aforesaid, shall be distinguished by a particular Number or Letter, or Number and Letter or Letters, and in default thereof every such Roaster of Malt shall, for every unentered Warehouse, Storehouse, Shop, Room, or Place, Furnace, Cylinder, or other such Utensil, forfeit Two hundred Pounds; and every unentered Furnace, Cylinder, or other Utensil, and all Malt found therein, shall be forfeited; and every Dealer in Roasted Malt shall, before receiving, selling, sending out, or delivering any Roasted Malt, in the same Manner make a like Entry of every Warehouse, Storehouse, Shop, Room, and Place to be made use of by him for receiving, storing, or keeping any Roasted Malt, on pain of forfeiting the like Penalty; and all Malt of any Description, unroasted or roasted, found in any unentered Warehouse, Storehouse, Shop, Room, or other Place, made use of by any Roaster of or Dealer in Roasted Malt, shall be forfeited.

Penalty.

Roasters of Malt to mark their Premises and Utensils corresponding to their Entry.

V. And be it enacted, That every Roaster of Malt and every Dealer in Roasted Malt shall mark and number, and at all Times, on Demand in Writing of the Supervisor of Excise, legibly re-mark and re-number, every Warehouse, Storehouse, Shop, Room, and other Place, and every Furnace, Cylinder, and other Utensil required to be entered by such Roaster of Malt or Dealer respectively, with a distinguishing Number or Letter, or Number and Letter or Letters, corresponding to the Description thereof in the Entry of such Roaster of Malt or Dealer respectively; and every Warehouse, Storehouse, Shop, Room, or other Place, Furnace, Cylinder, or other Utensil, made use of for receiving, preparing, roasting, or keeping Malt, which shall not be so marked or numbered, or re-marked or re-numbered, or which shall not correspond with the Description thereof in the Entry, shall be deemed and taken to be unentered.

Officers of Excise may enter Premises of Roasters of Malt.

VI. And be it enacted, That it shall be lawful for every Officer of Excise at all Times to enter into any Warehouse, Storehouse, Shop, Room, and other Place made use of by any Roaster of Malt for receiving, preparing, roasting, selling, or keeping of Unroasted or Roasted Malt, or by any Dealer in Roasted Malt for receiving, storing, keeping, or selling any Roasted Malt, and to remain therein, and

to

to examine and inspect every such Warehouse, Storehouse, Shop, Room, and other Place, and also all Furnaces, Cylinders, and other Utensils therein, and to examine and take an Account of all Malt received or kept, or roasting or roasted, in any such Warehouse, Storehouse, Shop, Room, or other Place, and to take a Sample or Samples of any such Malt (unroasted or roasted); and every Roaster of Malt and Dealer in Roasted Malt into and in whose Warehouse, Storehouse, Shop, Room, or other Place as aforesaid any Officer of Excise shall, on his Request or Application, be prevented or hindered from entering or remaining, or examining or taking such Account, or taking any such Sample or Samples as aforesaid, shall forfeit Two hundred Pounds.

Roaster of Malt not to receive any other Grain than Unroasted Malt, and Dealers no other than Roasted Malt.

VII. And be it enacted, That it shall not be lawful for any Roaster of Malt to roast, or to receive or take into his Custody or Possession, any Corn or Grain, other than Unroasted Malt which shall have been made by an entered and licensed Maltster, and purchased and received from such Maltster or from a Malt Factor, nor for any Dealer in Roasted Malt to receive or take into his Custody or Possession any Corn or Grain, other than Roasted Malt which shall have been roasted by a licensed and entered Roaster of Malt, and purchased and received from such Roaster of Malt, with such Certificate as hereinafter mentioned; and every Roaster of Malt who shall receive or take into any Warehouse, Storehouse, Shop, Room, or Place made use of by him for receiving, preparing, roasting, or keeping Malt, or in any House or Premises connected therewith, or shall receive or take into any such Warehouse, Storehouse, Shop, Room, or Place, or House or Premises, or have in his or their Custody or Possession, any Malt not made by an entered and licensed Maltster, or not purchased or received from such Maltster or a Malt Factor, and every Dealer in Roasted Malt who shall receive or take into any Warehouse, Storehouse, Shop, Room, or Place made use of by him for receiving, storing, or keeping Roasted Malt, or in any House or Premises connected therewith, or have in his Custody or Possession, any Unroasted Malt, or any Roasted Malt not roasted by and purchased and received from a licensed and entered Roaster of Malt, and accompanied with a true and lawful Certificate, and every Roaster of Malt and Dealer in Roasted Malt respectively who shall receive or take into any such Warehouse, Storehouse, Shop, Room, or Place, House, or Premises, as aforesaid respectively, or have in his Custody or Possession, any raw or unmalted Corn or Grain of any Description, roasted or unroasted, mixed or not mixed with any Malt, shall forfeit Three hundred Pounds, and all such Malt (roasted or unroasted), Corn, or Grain shall be forfeited; and if upon the Trial of any Information for the Recovery of the said Penalty, or for the Condemnation of any Malt (roasted or unroasted), Corn, or Grain, or on the Trial in any Action brought against any Officer of Excise for the Seizure of any Malt (roasted or unroasted), Corn, or Grain, any Question shall arise whether the Commodity in dispute is Malt made by an entered and licensed Maltster, or bought of such Maltster or a Malt Factor, or is other Malt, or whether the same is Roasted Malt, roasted by a licensed and entered Roaster of Malt, and purchased or received from such Roaster of Malt, or whether the same is raw or unmalted Grain, the Proof shall lie on the Defendant in such Information or Plaintiff in such Action, as the Case may be.

Penalty.

A Malt Book to be delivered to every Roaster of Malt and Dealer in Roasted Malt, in which they shall respectively enter all Malt received, roasted, and sent out by them.

VIII. And be it enacted, That a Book, prepared with proper and distinct Columns for such Purposes as herein-after mentioned, shall be delivered by the proper Officer of Excise to every Roaster of Malt and Dealer in Roasted Malt, and every Roaster of Malt shall, on the same Day on which he shall receive any Malt into his Possession, write and enter in such Book, and in the proper Columns prepared for such Purposes respectively, the Day when and the Number of Bushels of Malt which he shall have so received, and the Christian and Surname of the Person or Persons, or the Name of the Firm (if a Partnership), and whether Maltsters or Malt Factors, from whom and the Place from which he shall have bought and received such Malt, and shall upon the next Survey or Attendance of the Officer of Excise produce to him the Bill or Bills of Parcels or Invoices for or the Delivery Note or Notes accompanying such Malt, and shall show him the said Malt, or so much thereof as shall be remaining in case of any Part thereof having been roasted and sent out before the Survey of the Officer, and such Officer shall thereupon examine the said Malt so received, and shall endorse the said Bills of Parcels or Invoices, or Delivery Note or Notes, with his Name and the Date of his Inspection; and every such Roaster of Malt shall, on or at the Close of the same Day on which he shall roast any Malt, and before the Hour of Nine o'Clock in the Evening, write and enter into such Book as aforesaid, and in the proper Columns prepared for such Purpose respectively, the Number of Bushels of Malt he shall have roasted on that Day, and shall also, whenever he shall send out or deliver to any Person any Quantity of Roasted Malt, on the same Day write and enter in like Manner in the said Book the Day and Hour of the Day when and the Number of Bushels of such Roasted Malt which he shall so send out or deliver, and the Christian and Surname of the Person, or the Name of the Firm (if a Partnership), to whom and the Place to which such Roasted Malt shall be sent; and every Dealer in Roasted Malt shall, on the same Day on which he shall receive any Roasted Malt into his Possession, write and enter in such Book, and in the proper Columns prepared for such Purposes respectively, the Day when and the Number of Bushels of Roasted Malt which he shall have so received, and the Christian and Surname of the Roaster of Malt from whom and the Place from which he shall have bought or received such Roasted Malt, and the Date of the Certificate accompanying the same, and shall on the next Survey or Attendance of the Officer of Excise produce to him the Certificate which shall have accompanied such Roasted Malt, and shall show him such Roasted Malt, and such Officer shall thereupon examine the said Roasted Malt, and shall endorse the said Certificate with his Name, and the Date of his Inspection, or shall take up and retain the same, as he shall see fit; and every such Dealer in Roasted Malt shall, on the same Day on which he shall send out or deliver to any Person any Quantity of Roasted Malt, write and enter in like Manner in the said Book

Book the Day and Hour of the Day when and the Number of Bushels of such Roasted Malt which he shall so send out or deliver, and the Christian and Surname of the Person, or the Name of the Firm (if a Partnership), to whom and the Place to which such Roasted Malt shall be sent; and every such Roaster of Malt and Dealer in Roasted Malt respectively shall keep such Book, with all Entries made therein, in some public and open Part of his entered Premises, for the Inspection of the Officers of Excise; and every Roaster of Malt or Dealer in Roasted Malt respectively who shall receive any Unroasted or Roasted Malt, or shall roast any Malt, or send out or deliver any Roasted Malt, and shall not write and enter such Particulars thereof in such Book as aforesaid, or shall not keep such Book as aforesaid, or shall not deliver up the same to any Officer of Excise, on Demand, or who shall obstruct or hinder any Officer of Excise in making any Minute therein or Extract therefrom, or shall convey away or conceal the same, or destroy or tear out any Leaf therefrom, or destroy or fraudulently alter any Entry, or make any false Entry therein, and every Roaster of Malt or Dealer in Roasted Malt respectively who shall receive any Malt, and shall not on the next Survey or Inspection of the Officer of Excise produce to him the Bill of Parcels or Invoices, or Delivery Note or Notes, in the Case of a Roaster of Malt, or Certificate in case of a Dealer in Roasted Malt, for such Malt respectively, and show such Malt to such Officer, or who shall hinder or obstruct any Officer of Excise in examining such Malt, shall forfeit Two hundred Pounds.

Stock Account of Malt to be taken.

IX. And be it enacted, That every Roaster of Malt shall, when and as often as he shall be thereunto required by any Officer of Excise, level and cast all the Malt, unroasted and roasted, (not being in Sacks,) in any Warehouse, Storehouse, Shop, Room, or Place entered by him for keeping Malt, in or into such regular Form as may enable the Officer of Excise easily and conveniently to gauge and take an Account of the same, for the Purpose of ascertaining and checking the Quantity of Malt in the Possession of such Roaster of Malt; and every Dealer in Roasted Malt shall, when so required, level and cast all Roasted Malt in his Possession, not being in Sacks, into the like Form for the like Purpose; and where any Part of the Stock of Unroasted or Roasted Malt of any Roaster of Malt, or of Roasted Malt of any Dealer in Malt, shall be contained in Sacks, such Roaster or Dealer respectively shall, when so required as aforesaid, declare to the Officer of Excise the Quantity of Malt, unroasted or roasted, as the Case may be, contained in such Sacks or any of them, or the Quantity of Malt which any One or more of such Sacks is capable of containing; and it shall be lawful for any Officer of Excise, at any such Time as he shall think fit, to measure all Malt, unroasted and roasted, contained in Sacks, in the Possession of any Roaster of Malt or Dealer in Roasted Malt respectively, with a just and correct Bushel Measure of the Dimensions prescribed by Law, to be provided and supplied by such Roaster of Malt or Dealer in Roasted Malt, who, with his Servants respectively, is hereby required to give all necessary Aid and Assistance to the Officer of Excise in gauging and measuring the Stock of such Roaster or Dealer; and if upon any such Gauge or Measurement, or Gauge and Measurement, the Quantity of Malt shall be found to exceed the Quantity which such Roaster of Malt or Dealer in Roasted Malt respectively ought to have in his Posession, according to the Entries contained in such Books respectively as aforesaid, such Roaster of Malt or Dealer in Roasted Malt shall forfeit Two hundred Pounds, as having received Malt without having made Entry thereof in the said Book, and all such Excess shall be forfeited; and if the Quantity of Malt shall be found to be less than the Quantity which such Roaster of Malt or Dealer in Roasted Malt respectively ought to have had, according to the Entries contained in such Books respectively as aforesaid, such Roaster of Malt or Dealer in Roasted Malt shall be deemed to have sent out Roasted Malt without having entered the same in such Book, and shall forfeit Two hundred Pounds: Provided always, that no Roaster of Malt shall be liable to the said Penalties respectively in any Case where such Increase or Decrease shall not exceed Ten *per Centum* on the Quantity of Malt, unroasted and roasted, formed by the Balance left on the last Account taken and the Quantity of Unroasted Malt since brought into Stock; and no Dealer in Roasted Malt shall be liable to the said Penalties when such Increase or Decrease shall not exceed Three *per Centum* on the Quantity of Roasted Malt found in like Manner, and the Quantity since brought in; and every Roaster of Malt or Dealer in Roasted Malt who shall, when required by any Officer of Excise, neglect or refuse to level or cast any Malt, unroasted or roasted, into such regular Form that the same may be easily and conveniently gauged and taken account of by such Officer, or to declare the Quantity of Malt contained in any Sack or Sacks, or the Quantity of Malt which any Sack or Sacks is capable of containing, or shall falsely declare the same, or to provide such just and correct Bushel Measure as aforesaid, or with his Servants to give all necessary Aid and Assistance to the Officer in the gauging or measuring of all the Malt in his Possession, or who shall oppose, hinder, or obstruct any Officer in taking an Account of the same, shall forfeit Two hundred Pounds.

Book may be made up before taking the Account, and Malt in the Cylinders may be included.

X. And be it enacted, That it shall be lawful for any such Roaster of Malt and for any Dealer in Roasted Malt, before any Officer of Excise shall take such Account of Malt as aforesaid, to enter up in such Book all Malt which he shall have received in the Course of the Day on which such Account shall be proposed or intended to be taken; and all Malt which shall at the Time of the taking of any such Account of the Stock of any Roaster of Malt be roasting in any Cylinder or other Utensils shall be included in and taken into such Account.

Malt not to be roasted at Night.

XI. And be it enacted, That it shall not be lawful for any Roaster of Malt to roast any Malt at any Time between the Hours of Seven of the Clock in the Evening and Five of the Clock in the Morning from the Thirty-first Day of *March* to the First Day of *September*, and the Hours of Seven of the Clock in the Evening and Six of the Clock in the Morning from the Thirty-first Day of *August* to the First

First Day of *April*, in every Year; and every Roaster of Malt who shall roast any Malt between the said prohibited Hours shall forfeit One hundred Pounds, and all the Malt so roasted or roasting.

A Certificate Book to be delivered to every Roaster of Malt, and all Roasted Malt to be sent out by Certificate.

XII. And be it enacted, That a Certificate Book, prepared with proper printed Forms for such Purposes as herein-after mentioned, shall be delivered by the proper Officer of Excise to every Roaster of Malt and to every Dealer in Roasted Malt, and no Roasted Malt shall be sold, sent out, or delivered by any Roaster of Malt or by any Dealer in Roasted Malt without a Certificate, filled up and cut out progressively from the printed Forms and Titles contained in such Book, signed by the Roaster of Malt or Dealer in Roasted Malt selling, sending out, or delivering the same, or by some Person on his Behalf, with his Occupation of Roaster of Malt or Dealer in Roasted Malt, as the Case may be, certifying the Place from whence and the Day and Hour of the Day when sent or delivered, the Number of Bushels of such Malt, describing the same as Roasted Malt, the Christian and Surname of the Person, or the Name of the Firm (if a Partnership), to whom sold, and the Place to which the same shall be sent; and every Roaster of Malt or Dealer in Roasted Malt shall at the same Time make a correspondent Entry to such Certificate, and containing the same Particulars, in the Book and Counterpart thereof from which such Certificate shall be cut; and every such Certificate shall accompany such Roasted Malt on the Removal thereof, and shall be left with the Person to whom such Malt shall be sold, sent out, or delivered; and every Roaster of Malt and Dealer in Roasted Malt shall keep the said Book, with all Entries therein, in some public and open Part of his entered Premises, for the Inspection of the Officers of Excise; and every Roaster of Malt and Dealer in Roasted Malt who shall sell, send out, or deliver any Roasted Malt without such Certificate as aforesaid, or shall not leave such Certificate as aforesaid, or who shall make use of the same a Second Time, or to accompany any other Roasted Malt than the Roasted Malt for which it was first cut out of such Book as aforesaid, or any other Corn or Grain purporting or pretending to be Roasted Malt, or shall not at the same Time make a correspondent Entry to such Certificate as aforesaid, or shall not keep such Book as aforesaid, or shall not deliver up such Book to any Officer of Excise demanding the same, or shall hinder or obstruct any Officer of Excise in examining such Book, or making any Minute therein or Extract therefrom, or shall convey away or conceal any such Book, or shall destroy or tear out any Leaf therefrom, or cancel, obliterate, or destroy or fraudulently alter any Entry therein, or make any false Entry therein, shall forfeit Two hundred Pounds; and all Roasted Malt sold, sent out or delivered, or removed or removing, or received, without such Certificate as aforesaid, shall be forfeited. Penalty.

Brewers intending to use Roasted Malt to provide Deposit Rooms in which all Roasted Malt to be deposited, and the Certificate delivered up to the Officer of Excise.

XIII. And be it enacted, That every Brewer of Beer intending to use Roasted Malt shall provide and make special Entry with the Officers of Excise of a Deposit Room or Rooms in his Brewery for depositing therein all such Roasted Malt as he shall receive, and all such Malt shall be accompanied by such Certificate as is by this Act required from the Roaster of Malt or from the Dealer in Roasted Malt from whom the same shall be purchased or received; and every such Brewer shall, on receiving any Quantity of Roasted Malt, cause the same to be forthwith deposited and stored in one of such entered Rooms in which no other Description of Malt shall be kept, and shall on the next Survey of the Officer of Excise deliver up to him the Certificate which shall have accompanied such Malt, and shall at the same Time show to such Officer all the Roasted Malt which shall have been received, or so much thereof as shall remain in case any Part thereof shall have been used; and it shall be lawful for such Officer, if he shall see fit, to examine and take an Account of such Roasted Malt, and to take any Sample therefrom; and every Brewer who shall knowingly receive any Roasted Malt without such Certificate as aforesaid, or who shall not deposit and store any such Roasted Malt received by him in such Deposit Room as aforesaid, or who shall neglect or refuse to deliver to the Officer of Excise on his next Survey any Certificate received by him, or who shall return to any Roaster of Malt or Dealer in Roasted Malt, or knowingly deliver to any Person but the proper Officer of Excise, any such Certificate, or who shall neglect or refuse to show to any Officer of Excise any Roasted Malt received by him, or shall obstruct or hinder any Officer of Excise at any Time in examining or taking an Account of any Roasted Malt, or in taking any Sample thereof, shall forfeit Two hundred Pounds; and all Roasted Malt which shall be received by any Brewer unaccompanied by a true and proper Certificate, as required by this Act, or which shall be found in the Custody or Possession of any Brewer in any Place (except in the Mill or Mill Room for grinding, or in the Mash Tun,) other than such entered Deposit Room as aforesaid, shall be forfeited. Penalty.

All Malt received by any Roaster shall be roasted on his Premises; and all Roasted Malt shall be sent out unground.

XIV. And be it enacted, That all Malt received by any Roaster of Malt shall be used by him by being roasted in his entered Premises, and all Roasted Malt shall be sold and sent out by such Roaster of Malt and by every Dealer in Roasted Malt whole and unground; and every Roaster of Malt who shall send out or deliver from any Premises on which he shall roast Malt any Unroasted Malt, and every Roaster of Malt and Dealer in Roasted Malt who shall sell, send out, or deliver any ground or bruised Roasted Malt, shall forfeit One hundred Pounds; and all Unroasted Malt so sent out or delivered by any Roaster of Malt, and all ground or bruised Roasted Malt sold, sent out, or delivered by any Roaster of Malt or Dealer in Roasted Malt, shall be forfeited.

Roasted Malt to be bought of licensed Roaster.

XV. And be it enacted, That no Brewer or other Person shall buy, take, or receive any Roasted Malt from any other Person than an entered and licensed Roaster of Malt or Dealer in Roasted Malt, on pain of forfeiting One hundred Pounds, and all the Roasted Malt so bought, taken, or received.

No Maltster at his Malthouse, or within One Mile of it, or any Druggist or Grocer, to be a Roaster of

XVI. And be it enacted, That no Maltster or Maker of Malt, nor any Malt Factor or Dealer in Malt, shall, in his Malthouse, or on any Premises on which such Maltster, Malt Factor, or Dealer shall make or keep any Malt, or on any Premises within One Mile of the same by the nearest public or private Road or Footpath, nor shall any Druggist or Vender of Drugs, or Grocer, carry on the Trade or Business of a Roaster of Malt or Dealer in Roasted Malt; but every Entry made by any Maltster, Malt Factor, or Dealer

Malt or Dealer in Roasted Malt.

Dealer in Malt within such Distance as aforesaid, or by any Druggist or Vender of Drugs, or by any Grocer, for the Purpose of carrying on such Trade or Business respectively, and every Licence taken by any such Person for the like Purpose, shall be null and void to all Intents and Purposes.

Commissioners to except Maltsters whose Premises were within prohibited Distance before 1st April 1842.

XVII. Provided always, and be it enacted, That where any Maltster, Malt Factor, or Dealer in Malt shall, before the First Day of *April* One thousand eight hundred and forty-two, have carried on the Business of a Roaster of Malt or Dealer in Roasted Malt on any Premises within the said prohibited Distance, it shall be lawful for the Commissioners of Excise, under such further Regulations as they shall prescribe, to permit and allow the said Business to be continued and carried on on such Premises, any thing herein-before contained to the contrary notwithstanding.

Roasters, &c. of Malt subject to like Prohibitions as to the Custody, &c. of certain Articles, &c. as Brewers of, or Dealers in, or Retailers of Beer.

XVIII. And be it enacted, That it shall not be lawful for any Roaster of or Dealer in Roasted Malt to receive into or have in his Custody or Possession any of the Articles, Ingredients, Preparations, Materials, Matters, or Things (except Roasted Malt) prohibited to be received by or to be in the Custody or Possession of any Brewer, Dealer in or Retailer of Beer, in *Great Britain* and *Ireland* respectively, by the said recited Acts of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third and Eighth Year of the Reign of His said late Majesty King *George* the Fourth, or to sell, send out, or deliver to any licensed Brewer, Dealer in or Retailer of Beer, any of the said Articles, Ingredients, Preparations, Materials, Matters, or Things, on pain of being subject to the respective Penalties and Forfeitures in the said Acts respectively contained, which are hereby extended to and shall be put in force in respect to Roasters of and Dealers in Roasted Malt.

Act may be amended, &c this Session.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXXI.

An Act to indemnify Witnesses who may give Evidence before the Committee appointed by the House of Commons to inquire "whether corrupt Compromises have been entered into in the Cases of Election Petitions presented from *Harwich*, *Nottingham*, *Lewes*, *Penryn* and *Falmouth*, *Bridport*, and *Reading*, for the Purpose of avoiding Investigation into gross Bribery alleged to have been practised at the Elections for the aforesaid Towns, and whether such Bribery has really taken place." [18th *June* 1842.]

'WHEREAS the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled have appointed a Committee to inquire "whether corrupt Compromises have been entered into in the Cases of Election Petitions presented from *Harwich*, *Nottingham*, *Lewes*, *Penryn* and *Falmouth*, *Bridport*, and *Reading*, for the Purpose of avoiding Investigation into gross Bribery alleged to have been practised at the Elections for the aforesaid Towns, and whether such Bribery has really taken place:" And whereas the Object of the Appointment of the said Committee may be better accomplished, and the Truth of the several Matters connected therewith be more effectually discovered, if such Committee shall have the Power of indemnifying the Persons who may give Evidence before it touching the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Committee appointed in pursuance of the said Resolution to give to any Person examined by or before it a Certificate in Writing, signed by the Chairman authorized by the Committee, stating that such Person, upon his or her Examination, appears to have made a true and faithful Disclosure touching all Acts or Matters to which he or she has been so examined, and such Person so receiving such Certificate shall be and is hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person or Persons, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person in respect of the withdrawing, or of having withdrawn, compromised, or abandoned any Election Petition or Petitions relating to the Boroughs or Places before mentioned, or in anywise relating thereto, or to any Bribery, Corruption, or Intimidation touching which he or she shall have been examined by or before the said Committee.

Committee may grant a Certificate of Indemnity to any Person examined before them.

Act may be amended, &c. this Session.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXXII.

An Act for better recording Fines and Recoveries in *Wales* and *Cheshire*. [18th *June* 1842.]

'WHEREAS the Records of Fines levied and Recoveries suffered in the lately abolished Courts of Great Sessions in the Principality of *Wales*, and the lately abolished Court of Session in the County Palatine of *Chester*, were in many Cases so irregularly and carelessly engrossed and kept, that divers Purchasers and others whose Titles were intended to be secured by and under the said Fines and Recoveries are in danger to have the same impeached, notwithstanding that the said Fines and Recoveries had duly passed all the Offices, and that the Lands intended to be thereby assured are sufficiently described in the Proceedings upon such Fines and Recoveries:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Fines levied in the lately abolished Courts of Great Sessions in the Principality of *Wales*, or in the lately abolished

All Fines levied in the late Courts of Great Sessions in Wales and

abolished Court of Session of the County Palatine of *Chester*, of which the Writ of Covenant was duly returned and compounded, and of which the Acknowledgment was before the Judge or by Commissioners duly taken and allowed, and of which the said Writs and Concords, with other Proceedings, were lodged in the Office of the Prothonotary of the County in which the Lands named in such Writs are situated, shall be holden good and firm in Law, notwithstanding the Misprision or Neglect of any Prothonotary, Deputy Prothonotary, Secondary, or other Officer of any of the said Courts, or their Clerks, or any other public Officer whatsoever, to file the same, or to engross the Chirograph or Foot of such Fine, to endorse or record the Proclamations thereof, or to enrol or docket the said Fine, or do any other thing which by his Office he ought to have done after the Acknowledgment of the said Fine.

the Court of Session in Cheshire, shall be held to be good in Law, notwithstanding any Neglect in keeping the Record.

II. And be it enacted, That where it shall be needful to prove that any Fine which appears to have been duly acknowledged was levied with Proclamations in any of the said Courts, it shall be taken to have been so levied, and shall have all the Force of a Fine levied with Proclamations, although no Chirograph or Foot of such Fine be found endorsed with the Proclamations, nor any Entry of them or any of them appear on Record, if such Fine were duly enrolled or entered on the Plea Roll of the Session in which it was levied, or docketed in the Docket Roll or Docket Book of such Session, so as to set forth the Names of the Parties and the Places in which the Lands are situated of which such Fine was levied; or if within Three Years from the passing of this Act, or such further Time as the Court of Common Pleas shall in any Case allow, such Fine shall have been docketed, in such Form as aforesaid, in Docket Rolls or Docket Books of Parchment or Vellum, by the several late Prothonotaries of the said abolished Courts, or in case of the Death or Inability of any such Prothonotary by some Person or Persons appointed for that Purpose by the Master of the Rolls; or if within the said Period of Three Years, or such further Time as the Court of Common Pleas shall in any Case allow, the Writ of Covenant, and the Concord and all other Proceedings of such Fine, shall have been enrolled, with the Allowance of the said Court, in a Book or Books, Roll or Rolls of Parchment or Vellum, as herein-after provided: Provided always, that any such Fine may be reversed by Writ of Error issued within Twenty Years from the levying thereof.

Certain Fines taken to be levied with Proclamations.

III. And be it enacted, That all Recoveries suffered in any of the said abolished Courts whereof the Writ of Entry was duly returned, and the Appearance of the Tenant and Vouchee or Vouchees duly recorded by the Court, or the Warrant or Warrants of Attorney duly executed and allowed, and of which the said Writ and other Proceedings (if any) was or were lodged in the Office of the Prothonotary of the County in which the Lands named in the said Writ are situated, shall be holden good and firm in Law, notwithstanding the Non-enrolment or Non-exemplification of such Recovery or any other Misprision or Neglect of any Prothonotary or other Officer as aforesaid to do any thing which by his Office he ought to have done after the recording of the Appearance of the Tenant and Vouchee or Vouchees, or the Execution and Allowance of the Warrant or Warrants of Attorney: Provided nevertheless, that where no Enrolment on the Plea Roll of the Session in which such Recovery was suffered, or any Exemplification of a pretended Enrolment thereof, sealed with the judicial Seal of the Court, or any Entry on the Remembrance Roll sufficient to prove the Arraignment of the Writ of Entry, can be found or produced, no such Recovery shall be holden good by virtue of this Act, unless within Three Years after the passing of this Act, or such further Time as the Court of Common Pleas shall in any Case allow, the Writ of Entry or other Proceedings extant of Record touching the said Recovery shall be enrolled as herein-after provided, or such Recovery shall have been docketed in full and ample Manner as aforesaid: Provided also, that any such Recovery may be reversed by Writ of Error issued within Twenty Years from the suffering thereof.

Certain Recoveries declared good in Law.

IV. And be it enacted, That, subject to such Orders as the Court of Common Pleas from Time to Time shall make, any Person may at any Time henceforward cause the Writ, Concord, Chirograph, Proclamation, Appearance, Warrant of Attorney, and all or any other Proceedings in any Fine or Recovery levied or suffered in any of the said abolished Courts, and now extant among the Public Records thereof, to be enrolled in the Office of the Registrar of Certificates and Affidavits of Acknowledgments of Deeds by Married Women in the Court of Common Pleas, which Office, for the Purposes of an Act passed in the Twenty-seventh Year of Queen *Elizabeth*, intituled *An Act for Reformation of Errors in Fines and Recoveries in the Twelve Shires of* Wales *and Counties Palatine, and for Exemplification of Fines and Recoveries generally*, and under such of the Provisions of the said Act as are now capable of taking effect, shall be deemed to be the Enrolment Office therein named: Provided always, that no such Enrolment of any Writ of Covenant or Writ of Entry shall be made as aforesaid where such Writ shall not have been duly filed upon the proper File of the Session in which the same was returnable, unless the compounding of such Writ shall be proved to the Satisfaction of the said Registrar by an Entry thereof duly made in the Book of the Compounder of King's Silver for the County in which the Lands named in such Writ are situated; and in every such Case such Entry or Certificate of Composition made shall be enrolled together with such Writ.

Fines and Recoveries may be enrolled in the Office of the Registrar of Court of Common Pleas.
27 Eliz. c. 9.

V. And be it declared and enacted, That the Court of Common Pleas shall have the same Power of amending any Fine or Recovery, and the Record or Enrolment thereof, whether as now extant, or as such Fine or Recovery, or any Proceedings thereof, shall hereafter be enrolled in manner aforesaid, as if the same had been originally levied, suffered, or had in the Court of Common Pleas.

Saving the amending Power of Court of Common Pleas.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XXXIII.

An Act to amend and explain so much of Two Acts, of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in *Ireland*. [18th *June* 1842.]

6 & 7 W. 4. c. 75.

7 W. 4. & 1 Vict. c. 43.

'WHEREAS by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Jurisdiction and regulate the Proceedings of Civil Bill Courts in* Ireland, certain Provisions were made for the Appointment of Bailiffs for the Execution of the Decrees or Orders of the Civil Bill Courts therein mentioned; and it was also thereby enacted, that Civil Bill Decrees for Possession of Lands should be executed by the Sheriff, and also Decrees, so far as respected Costs in Ejectment Cases, and that every Sheriff should be entitled to and be paid a Sum of Ten Shillings and Sixpence, and no more, for executing every Decree for delivering Possession made by an Assistant Barrister or Judge on Appeal; and the said Sheriffs were thereby required to execute all such Decrees in Person, or by his Deputy, within a Week after the same should be delivered to him and required by the Party to execute the same: And whereas by another Act passed in the Session of Parliament holden in the Seventh Years of His late Majesty and the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in* Ireland, so much of the said first-recited Act as relates to the Appointment of Bailiffs for the Purposes aforesaid, and to certain other Matters, was repealed, and other Provisions were made in relation thereto; but it was provided that Decrees for delivering Possession made by an Assistant Barrister or Judge on Appeal should be executed by the Sheriff or his Deputy in Person, in manner and within the Time and for the Fee in the said first-recited Act in that Behalf directed: And whereas Doubts have arisen whether, under the said recited Provisions, Sheriffs in *Ireland* have Power to appoint any Deputy, other than their Under Sheriffs, for the Purpose of executing such Civil Bill Decrees for the Possession of Lands: And whereas it is expedient to remove such Doubts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all Sheriffs in *Ireland*, when and as often as they shall be required so to do by any Plaintiff in any Civil Bill Ejectment Decree, by themselves, or their Under Sheriffs acting in their Names and on their Behalf, by any Writing or Writings to be endorsed on any Civil Bill Decrees for the Possession of Land, now made or hereafter to be made, to authorize, nominate, and appoint any Person or Persons whom such Sheriff or Sheriffs may think fit to act as Deputy or Deputies of such Sheriffs, and at the Peril of such Sheriff and Sheriffs to execute all Decrees for delivering Possession of Land made by any Assistant Barrister or Judge on Appeal, and for the Costs of such Decrees; and that such Deputy or Deputies shall execute the same in manner and within the Time in the first herein-before in part recited Act directed in that Behalf, and shall have for such Purpose all and singular the same Powers and Authorities as the Sheriff or Sheriffs, Under Sheriff or Under Sheriffs, by whom he or they shall be appointed: Provided always, that no larger or other Fee shall be paid to the Sheriff for executing, either in Person or by Deputy, any Decree for delivering the Possession of Land, than the said Sum of Ten Shillings and Sixpence in the said first-recited Act specified, and that no Fee whatever shall be paid or payable to any Deputy or Deputies to be made or appointed under or in pursuance of the Provisions herein-before contained.

Sheriffs in Ireland may appoint Deputies for the Execution of Civil Bill Decrees for delivering Possession of Lands.

Sheriffs indemnified from Penalties for having allowed Decrees to be irregularly executed, and for Non execution, &c.; and said Executions declared valid.

II. And for the Relief of such Sheriffs as may have been unable to execute such Decrees for Possession of Lands, or for the Costs of such Decrees, in Person or by their Deputies, or who may have executed such Decrees by any other Persons, and for Removal of all Doubts as to the Validity of such Execution of such Decrees, be it enacted, That any Sheriff who may have at any Time previous to the passing of this Act omitted to execute any such Decree as aforesaid, in Person or by his Deputy, or who may have executed the same by any Person other than his Sub-Sheriff, shall be and is hereby indemnified and discharged of and from all Liabilities, Penalties, and Damages whatsoever by reason of such Omission, or by reason of having executed any such Decree by any Person other than his Sub-Sheriff; and that every such Decree at any Time previous to the passing of this Act executed by any Person thereunto authorized by any such Sheriff, and on his Behalf, shall be deemed and taken to have been duly executed to all Intents and Purposes, and that the Execution of such Decree by any such Person as aforesaid shall be alike good, valid, and effectual as if the same had been executed by the Sheriff in Person or by his Deputy.

Sheriffs may plead the General Issue, &c.

III. And be it enacted, That in case any Action, Suit, or other Proceeding, shall, from and after the passing of this Act, be brought, carried on, or prosecuted, any Sheriff or Person hereby meant to be indemnified for or on account of the Omission to execute any such Decree, or for or on account of the Execution of any such Decree in manner aforesaid, such Sheriff or Person may plead the General Issue, and give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

Recited Acts shall remain in force.

IV. And be it enacted, That, save so far as the same are herein-before altered, the said Two several herein-before in part recited Acts shall remain in full Force and Effect, any thing herein contained to the contrary thereof notwithstanding.

Act may be amended, &c. this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP.

CAP. XXXIV.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-three, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-two. [18th *June* 1842.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 4 & 5 Vict. c. 29.*]

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*

VI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in and by another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster.

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

Powers of 48 G. 3. c. 1. extended to this Act.

VII. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts passed in the Forty-eighth Year of the Reign of His said Majesty King *George* the Third, and in the Fourth and Fifth Years of the Reign of His said late Majesty, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

CAP. XXXV.

An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of *April* One thousand eight hundred and forty-five. [22d *June* 1842.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, and making an addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *April* One thousand eight hundred and forty-two there shall be charged, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, during the Term herein-after limited, the several Rates and Duties mentioned in the several Schedules contained in this Act, and marked respectively (A.), (B.), (C.), (D.), and (E.); (that is to say,)

Duties to be levied under this Act.

SCHEDULE (A.)

Schedule (A.)

For all Lands, Tenements, and Hereditaments, or Heritages in *Great Britain* there shall be charged yearly, in respect of the Property thereof, for every Twenty Shillings of the annual Value thereof, the Sum of Seven-pence:

SCHEDULE (B.)

Schedule (B.)

For all Lands, Tenements, and Hereditaments in *England* there shall be charged yearly, in respect of the Occupation thereof, for every Twenty Shillings of the annual Value thereof, the Sum of Three-pence Halfpenny:

For all Lands, Tenements, and Heritages in *Scotland* there shall be charged yearly, in respect of the Occupation thereof, for every Twenty Shillings of the annual Value thereof, the Sum of Two pence Halfpenny:

SCHEDULE (C.)

Schedule (C.)

Upon all Profits arising from Annuities, Dividends and Shares of Annuities, payable to any Person, Body Politic or Corporate, Company or Society, whether Corporate or not Corporate, out of any public Revenue, there shall be charged yearly, for every Twenty Shillings of the annual Amount thereof, the Sum of Seven-pence, without Deduction.

SCHEDULE (D.)

Schedule (D.)

Upon the annual Profits or Gains arising or accruing to any Person residing in *Great Britain* from any Kind of Property whatever, whether situate in *Great Britain* or elsewhere, there shall be charged yearly, for every Twenty Shillings of the Amount of such Profits or Gains, the Sum of Seven-pence; and upon the annual Profits or Gains arising or accruing to any Person residing in *Great Britain*, from any Profession, Trade, Employment, or Vocation, whether the same shall be respectively carried on in *Great Britain* or elsewhere, there shall be charged yearly, for every Twenty Shillings of the Amount of such Profits or Gains, the Sum of Seven-pence:

And

And upon the annual Profits or Gains arising or accruing to any Person whatever, whether a Subject of Her Majesty or not, although not resident within *Great Britain*, from any Property whatever in *Great Britain*, or any Profession, Trade, Employment, or Vocation exercised within *Great Britain*, there shall be charged yearly, for every Twenty Shillings of the Amount of such Profits or Gains, the Sum of Seven-pence:

SCHEDULE (E.)

Schedule (E.)

Upon every public Office or Employment of Profit, and upon every Annuity, Pension, or Stipend payable by Her Majesty or out of the public Revenue of the United Kingdom, except Annuities before charged to the Duties in Schedule (C.), for every Twenty Shillings of the annual Amount thereof respectively, there shall be charged yearly the Sum of Seven-pence.

Duties on fractional Parts.

II. And be it enacted, That upon every fractional Part of Twenty Shillings of the annual Profits or Gains aforesaid the like Proportion of Duty, at the Rate before directed, shall be charged; provided no Rate or Duty shall be charged of a lower Denomination than One Penny.

The Duties to be under the Management of the Commissioners of Stamps and Taxes, and to be assessed and raised under the Regulations of the Acts relating to the Assessed Taxes. 43 G. 3. c. 99. 43 G. 3. c. 150.

III. And be it enacted, That the Duties by this Act granted shall be under the Direction and Management of the Commissioners of Stamps and Taxes for the Time being, who are hereby empowered to employ all such Officers or other Persons, and to do all such other Acts and Things, as may be deemed necessary or expedient for the raising, collecting, receiving, and accounting for the said Duties, and for putting this Act into execution, in the like and in as full and ample a Manner as they are authorized to do with relation to any other Duties under their Care and Management; and that the said Duties hereby granted arising in *England* shall be assessed, raised, levied, and collected under the Regulations of an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same*, and other Acts relating thereto, or for explaining, altering, or amending the same; and the said Duties arising in *Scotland* shall be assessed, raised, levied, and collected under the Regulations of an Act passed in the same Session of Parliament, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the said Acts, so far as the same relate to that Part of* Great Britain *called* Scotland, and other Acts relating thereto, or for explaining, altering, or amending the same; and all the Powers, Authorities, Methods, Rules, Directions, Penalties, Clauses, Matters, and Things now in force, contained in or enacted by the several Acts before recited or referred to, or any other Acts relating to the Duties of Assessed Taxes, and also all the Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by Two several Acts of Parliament, passed respectively in the Forty-eighth and Fiftieth Years of the Reign of King *George* the Third, and intituled, respectively, *An Act to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same*, and *An Act to regulate the Manner of making Surcharges of the Duties of Assessed Taxes, and of the Tax upon Profits arising from Property, Professions, Trades, and Offices; and for amending the Acts relating to the said Duties respectively*, whether such last-mentioned Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things shall be in force at the Time of the passing of this Act or not, and notwithstanding that the same or any Part thereof may have expired or been repealed, shall severally and respectively be and become in full Force and Effect with respect to the Duties hereby granted, and shall be severally and respectively duly observed, applied, practised, and put in execution throughout the respective Parts of *Great Britain*, for raising, levying, collecting, receiving, accounting for, and securing of the said Duties hereby granted, and for auditing the Accounts thereof, and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same Powers, Authorities, Methods, Rules, Directions, Penalties, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act, with reference to the said Duties hereby granted, and respectively applied to such Parts of *Great Britain* as aforesaid; and all and every the Regulations of such Acts (except as aforesaid) shall be applied, construed, deemed, and taken to refer to this Act, and to the Duties hereby granted, in like Manner as if the same had been enacted therein.

Powers and Provisions of recited Acts and other Acts to be applied to the Duties hereby granted. 48 G. 3. c. 141. 50 G. 3. c. 105.

Commissioners of Land Tax at District Meetings to appoint Commissioners for the General Purposes of this Act. 38 G. 3. c. 5.

IV. 'And whereas it is expedient to appoint Commissioners for the General Purposes of this Act 'from and amongst the Persons appointed Commissioners for the Execution of an Act passed in the 'Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act for granting an Aid to 'His Majesty by a Land Tax, to be raised in* Great Britain, *for the Service of the Year One thousand 'seven hundred and ninety-eight*, or from and amongst the Persons appointed Commissioners for the 'Execution of the said Act by any subsequent Act of Parliament passed or to be passed, to act in the 'Execution of this Act, so far as relates to the Powers hereby vested in such Commissioners;' be it enacted, That the several Persons appointed or to be appointed Commissioners for putting in execution the said Land Tax Act in the respective Parts of *Great Britain* therein mentioned, being respectively qualified to act as Commissioners in the Execution of the said Land Tax Act, shall meet within the County, Riding, Shire, or Stewartry, or within each Hundred, Rape, Lathe, or Wapentake of the County, Riding, Shire, or Stewartry for which they are or shall be respectively appointed Commissioners of the said Land Tax Act, or within such other Division of the said County, Riding, Shire, or Stewartry as the Commissioners of Stamps and Taxes shall direct, and also within each City, Borough, Cinque Port, Liberty,

Liberty, Franchise, Town, and Place for which Separate Commissioners have been appointed with exclusive Jurisdiction for putting in execution the said Land Tax Act within the same, which Meetings shall be convened from Time to Time by the Commissioners of Stamps and Taxes, when and as they shall deem necessary, by Notice inserted in the *London Gazette* and *Edinburgh Gazette* for *England* and *Scotland* respectively, and shall be held at such Time and Place as shall be appointed by such Notice; and at every such Meeting the said Commissioners of the Land Tax Act, or the major Part of them then present, shall choose and set down in Writing the Names of such of the Commissioners appointed as aforesaid who shall respectively be qualified as herein-after is required, and who shall be fit and proper to act as Commissioners for the General Purposes of this Act in such County, Riding, Shire, or Stewartry aforesaid, and in each and every District within each respective Hundred, Rape, Lathe, Wapentake, or other Division aforesaid, and within each City, Borough, Cinque Port, Liberty, Franchise, Town, and Place aforesaid, observing always in the Execution of this Act the same Limits which shall have been or may be settled for the Districts under the Acts relating to the Duties of Assessed Taxes; and the Names of such Persons who shall be so chosen shall be set down in the Order in which the major Part of the Commissioners then present shall judge fit they should respectively be appointed Commissioners in their respective Districts; and any Seven, or any less Number than Seven, not being in any Case less than Three, of the Persons so set down, and in the Order in which they shall be so set down in such List, shall be Commissioners for the General Purposes of this Act, and of the Duties granted as aforesaid, and they are hereby required to take upon themselves the Execution of this Act, and of the said Duties, as such Commissioners for General Purposes; and any Seven, or any less Number than Seven, not being in any Case less than Three, of the Persons so set down next in order in the List of Names before mentioned, shall be Commissioners to supply Vacancies as the same may arise in the Manner herein-after mentioned: Provided always, that if at any such Meeting as aforesaid the Commissioners shall not find amongst the Commissioners appointed for executing the said Land Tax Act, and set down in manner aforesaid, the Names of Seven Persons to act and Seven others to supply Vacancies in each such District, it shall be lawful for them to appoint any Persons residing within such District who shall respectively be qualified as herein-after is required, and who in their Judgment shall be fit and proper, to be Commissioners for the General Purposes of this Act, until the Number of Seven in each such List shall be completed, although such Persons shall not have been appointed to act as Commissioners in the Execution of the said Land Tax Act: Provided also, that if at such Meeting the Commissioners shall not find and set down Fourteen Persons of the Descriptions before mentioned to act as Commissioners and to supply Vacancies in each such District, it shall be lawful for them to select such Number of Persons as shall be requisite from the Persons acting as Commissioners for executing the said Land Tax Act in or for any adjoining or neighbouring District of the same County, Riding, Division, Shire, Stewartry, City, Town, or Place, in order that there shall be no Failure in the Execution of this Act; and the Names of such respective Persons who shall have been so chosen as aforesaid shall be transmitted to the Head Office for Stamps and Taxes in *England* and *Scotland* respectively in the Order in which they shall have been set down in such Lists: Provided always, that where Seven Persons, qualified as herein-after is required, shall be chosen to act as Commissioners for any District as aforesaid, no other Person shall interfere as a Commissioner in the Execution of this Act so long as such Seven Persons shall continue to act, except in the Cases herein-after mentioned.

Manner of choosing Commissioners;

and supplying Vacancies.

In want of Land Tax Commissioners, other fit Persons residing in the District may be named;

or from adjoining Districts.

Where Seven Persons shall be chosen, no others to act.

V. And be it enacted, That within and for each of the Cities and Towns herein-after mentioned, (*videlicet,*) *London, Bristol, Exeter, Kingston-upon-Hull, Newcastle-upon-Tyne, Norwich, Birmingham, Liverpool, Leeds, Manchester, King's Lynn,* and *Great Yarmouth,* it shall be lawful for the Persons herein-after mentioned to choose Commissioners, and Persons to supply their Vacancies, to act together with the Persons to be chosen or appointed as before directed; and that in and for the City of *London* Two Commissioners, and Two to supply their Vacancies, shall be named by the Mayor and Aldermen of *London* out of Eight Persons, Four of whom shall be Aldermen, to be returned to them by the Common Council; Two other Commissioners, and Two to supply their Vacancies, by the Governor and Directors of the Bank of *England;* One other Commissioner, and One other to supply his Vacancy, by each of the Companies herein-after mentioned; (*videlicet,*) the Directors of the *East India* Company, the Governor and Directors of the *South Sea* Company, the Governor and Directors of the *Royal Exchange* Assurance Company, the Governor and Directors of the *London* Assurance Company, the Directors for conducting and managing the Affairs of the *East* and *West India* Dock Company, and the Directors for conducting and managing the *London* Dock Company and the *Saint Katherine* Dock Company respectively, for the Time being; and that it shall be lawful for the Magistrates and Justices of the Peace acting in and for the City of *Norwich* to choose Eight Persons to be Commissioners, and Eight Persons to supply their Vacancies, not more than Four of the said Eight Commissioners, and not more than Four of the said Eight Persons to supply their Vacancies, to be chosen from out of the said Magistrates and Justices, and the remaining Four Commissioners, and Four Persons to supply their Vacancies, to be chosen from the Inhabitants of the said City; and in and for each of the other Cities and Towns before mentioned it shall be lawful for the Magistrates and Justices of the Peace acting in and for the said Cities and Towns respectively, together with the Justices of the Peace acting in and for the County, Riding, or Division wherein the same respectively are situate, to choose Eight Persons to be Commissioners, and Eight Persons to supply their Vacancies, as herein is mentioned; and the Persons so to be chosen by the Land Tax Commissioners as aforesaid, together with the other Persons respectively to be chosen

Within certain Cities and Towns other Commissioners may be chosen to act with those chosen by the Land Tax Commissioners.

chosen as herein is particularly directed, shall be Commissioners for the Purposes of this Act, and to supply their Vacancies, as the same may arise, within and for the several Districts in which such Cities and Towns respectively shall be situate, or which shall be formed by such Cities and Towns respectively, and for such other Places which have usually been assessed in the same District with such Cities and Towns respectively towards the Aid by a Land Tax; and the Names of all Persons so chosen as last aforesaid shall be returned to the Commissioners of Stamps and Taxes.

Where sufficient Commissioners are not chosen for Cities and Towns, &c.

Power to choose Persons duly qualified, although not named Commissioners of Land Tax.

VI. Provided always, and be it enacted, That in case there shall not be a sufficient Number of Commissioners chosen or appointed for General Purposes as aforesaid, or to supply Vacancies, capable of acting according to the Qualification required by this Act for any City, Borough, Town, or Place, then and in every such Case any Person qualified to act for the County at large, or Riding, Shire, or Stewartry, in which or adjoining which such City, Borough, Town, or Place shall be situate, may be chosen to act as a Commissioner for such City, Borough, Town, or Place: Provided also, that any Person residing in any County, Riding, Division, Shire, Stewartry, City, Town, or Place where a Commissioner shall be wanting, and qualified as herein-after mentioned, who shall be willing to act as a Commissioner for General Purposes as aforesaid, in any District where a Commissioner shall be wanting, may be chosen in manner aforesaid to be such Commissioner, although such Person shall not have been appointed to act in the Execution of the said Land Tax Act; any thing herein-before contained to the contrary notwithstanding.

How Vacancies among such Commissioners are to be supplied.

VII. And be it enacted, That when any Commissioner for General Purposes shall die, or decline to act, or having begun to act shall decline to act any further therein, the remaining Commissioners shall choose One or more of the Persons on the List to supply Vacancies, who shall be appointed in the Place of the Commissioner so refusing or declining to act, or dying, provided the Person so to be appointed to supply such Vacancy shall have been chosen in the same Manner as the Person so refusing or declining to act, or dying; and the several Commissioners of Land Tax shall at such their Meetings, convened in manner aforesaid, and the several Persons authorized to appoint Commissioners for the several Cities and Towns aforesaid shall, on Notice thereof from the Clerk to the acting Commissioners for the same Cities and Towns respectively, as often as Occasion shall require, select and add new Names to the Persons before chosen to supply Vacancies, who shall respectively be Commissioners for General Purposes, as and when such Vacancies shall happen: Provided always, that if the List for supplying Vacancies to be made and renewed as aforesaid shall at any Time be defective, so that the due Number of Commissioners cannot be supplied therefrom, the same shall be filled up and renewed from Time to Time by the acting Commissioners for General Purposes in the District where such Failure shall have happened.

Commissioners of Land Tax Act to execute the Act in default of appointing other Commissioners, or on Neglect of Commissioners appointed under this Act;

VIII. And be it enacted, That if in any District there shall be a Neglect in appointing Commissioners for General Purposes as hereby is directed, or the Commissioners so appointed shall neglect or refuse to act, or having begun to act shall decline to act further therein, it shall be lawful for the Commissioners appointed to execute the said Land Tax Act, being respectively qualified as directed by this Act, and they and every of them, not in any Case exceeding the Number of Seven, on Notice of such Neglect and Want of Appointment, given to their Clerk, by any Inspector or Surveyor of Taxes duly authorized to give such Notice by the Commissioners of Stamps and Taxes, shall and they are hereby strictly enjoined and required to take upon themselves forthwith the Execution of this Act, and to do and execute all Matters and Things which Commissioners chosen in pursuance of this Act are hereby required and empowered to do; and if in any District there shall be a Want of such last-mentioned Commissioners, the Commissioners of any adjoining District in the same County, Riding, or Division, Shire or Stewartry, being respectively qualified as directed by this Act, shall, on like Notice as aforesaid, execute this Act as such Commissioners, by themselves, or in concurrence with any Persons willing to act as Commissioners of the District where this Act shall require to be executed; and if the Persons aforesaid to whom such Notice shall have been given shall not take upon themselves the Execution of this Act, within Ten Days next after such Notice given, or shall not proceed therein with due Diligence, then and in every such Case it shall be lawful for the Commissioners for Special Purposes, to be appointed under the Authority of this Act, to execute this Act in such District in all Matters and Things hereby directed to be done by Commissioners for General Purposes: Provided always, that where Commissioners willing to act in each District shall not be returned to the Head Office for Stamps and Taxes in *England* and *Scotland* respectively as aforesaid, then and in such Case it shall be lawful for the said Commissioners of Stamps and Taxes to cause such Notices as aforesaid to be given to Two or more of the Persons on whom the Right of executing this Act shall devolve in pursuance of the Directions of this Act before mentioned.

and Commissioners for Special Purposes on Neglect of Land Tax Commissioners.

Commissioners may appoint a Clerk and Assistant.

IX. And be it enacted, That the Commissioners to be appointed for General Purposes in manner aforesaid shall appoint a Clerk, and if necessary an Assistant Clerk, for the Duties to be assessed by them in each District, who shall execute their Office according to the Regulations of this Act and the Acts herein respectively mentioned or referred to; and every such Clerk and Assistant shall act as such, as well in all Matters and Things to be done by, under, and before the respective Commissioners for General Purposes, as by, under, and before the respective Additional Commissioners herein-after mentioned in the respective Districts; provided that no more than One Clerk's Assistant shall be appointed for any District without the Approbation of the Commissioners of Stamps and Taxes, on a Statement made to them by the Commissioners for General Purposes of the Necessity thereof in consideration of the Extent or Population of the District; and if any Clerk or Clerk's Assistant appointed under the Authority of this Act, who shall have taken the Oath herein-after required, shall wilfully obstruct or delay the Execution of this Act, or shall negligently conduct or wilfully misconduct himself in the Execution of this Act, he shall forfeit

Penalty on Clerk or Assistant for Misconduct.

forfeit the Sum of One hundred Pounds, and shall be dismissed from the said Office, and be rendered incapable of again acting as Clerk or Clerk's Assistant in the Execution of this Act or any other Act for granting Duties under the Management of the Commissioners of Stamps and Taxes.

Qualification of Commissioners for Districts or Divisions of Counties and for certain Cities and Towns in England.

X. And be it enacted, That no Person herein required to be qualified in respect of Estate shall be capable of acting as a Commissioner for General Purposes in the Execution of this Act for any District or Division of any County at large within *England* (the County of *Monmouth* and the Dominion of *Wales* excepted), or of any of the Ridings of the County of *York*, or of the County or Divisions of *Lincoln*, or in or of any of the several Cities and Towns of *London*, *Westminster*, *Bristol*, *Exeter*, *Kingston-upon-Hull*, *Newcastle-upon-Tyne*, *Norwich*, *Birmingham*, *Liverpool*, *Leeds*, *Manchester*, *King's Lynn*, and *Great Yarmouth*, unless such Person be seised or possessed of Lands, Tenements, or Hereditaments in *Great Britain* of the Value of Two hundred Pounds *per Annum* or more, of his own Estate, being Freehold or Copyhold, or Leasehold for a Term whereof not less than Seven Years are unexpired, over and above all Ground Rents, Incumbrances, and Reservations payable out of the same respectively, or unless such Person shall be possessed of Personal Estate of the Value of Five thousand Pounds, or a Personal Estate, or an Interest therein, producing an annual Income of Two hundred Pounds, or of Lands, Tenements, or Hereditaments, and Personal Estate, or an Interest therein, being together of the annual Value of Two hundred Pounds, estimating in every such Case One hundred Pounds Personal Estate as equivalent to Four Pounds *per Annum*, and an Interest from Personal Estate of Four Pounds *per Annum* as equivalent to One hundred Pounds Personal Estate, or unless such Person be the eldest Son of some Person who shall be seised or possessed of a like Estate of Thrice the Value required as the Qualification of a Commissioner, in right of his own Estate, for such County at large, Riding, Division, or City.

Qualification for the County of Monmouth, the Counties in Wales, and for the Cities, Towns, or Places not before mentioned.

XI. And be it enacted, That no Person herein required to be qualified in respect of Estate shall be capable of acting as a Commissioner for General Purposes in execution of this Act in any District or Division of the County of *Monmouth*, or of any County in *Wales*, or for any City, Borough, Cinque Port, Liberty, Franchise, Town, or Place in *England* or *Wales* (other than the Cities and Towns herein-before mentioned), unless such Person be seised or possessed of an Estate of the like Nature and of Four Fifths of the Value required for the Estate of a Commissioner acting for a District or Division of a County at large in *England* as aforesaid, or unless such Person be the eldest Son of some Person who shall be seised or possessed of some Estate of Thrice the Value required as the Qualification of a Commissioner, in right of his own Estate, for the same County, City, Borough, Cinque Port, Liberty, Franchise, Town or Place.

Qualification for Shires or Stewartries in Scotland;

XII. And be it enacted, That no Person hereby required to be qualified in respect of Estate shall be capable of acting as a Commissioner for General Purposes in execution of this Act for any Shire or Stewartry in *Scotland* unless such Person be enfeoft in Superiority or Property, or possessed as Proprietor or Life Renter of Lands in *Scotland* to the Extent of One hundred and fifty Pounds *Scots per Annum* valued Rent, or unless such Person be possessed of Personal Estate of the Value of Five thousand Pounds, or of Personal Estate, or an Interest therein, producing an annual Income of Two hundred Pounds Sterling, or be enfeoft or possessed as aforesaid of Lands and Personal Estate, or an Interest therein, being together of the annual Value of Two hundred Pounds Sterling, estimating in every such Case One hundred Pounds Personal Estate as equivalent to Four Pounds *per Annum*, and an Interest from Personal Estate of Four Pounds *per Annum* as equivalent to One hundred Pounds Personal Estate, or unless such Person be the eldest Son of some Person who shall be enfeoft or possessed of a like Estate of Twice the Value required as the Qualification of a Commissioner in right of his own Estate, for such Shire or Stewartry.

for Cities or Boroughs in Scotland.

XIII. And be it enacted, That no Person herein required to be qualified in respect of Estate shall be capable of acting as a Commissioner for General Purposes in execution of this Act for any City or Borough in *Scotland* unless such Person be enfeoft or possessed of an Estate of the like Nature and of Three Fifths of the Value required for the Estate of a Commissioner acting for any Shire or Stewartry in *Scotland*, or unless such Person be the eldest Son of some Person enfeoft or possessed of some Estate of Thrice the Value required as the Qualification of a Commissioner, in right of his own Estate for the same City or Borough.

Qualification in Lands need not be in the County.
Proof of Qualification.

XIV. Provided always, and be it enacted, That no Estate consisting of Lands or Tenements, as the Qualification of a Commissioner, shall be required to be situate in the County, Riding, Division, Shire, or Stewartry for which any Person shall be a Commissioner: Provided also, that the Proof of Qualification where required shall lie on the Person acting in the Execution of this Act, in such Manner as is by Law directed with respect to Commissioners acting in the Execution of the said Land Tax Act.

Qualification not required for certain Officers acting as Commissioners, nor for Special Commissioners.

XV. Provided also, and be it enacted, That nothing herein contained shall be construed to require any Qualification of a Commissioner in the District of the Palaces of *Whitehall* and *Saint James Westminster*, for any Officer who shall have heretofore acted or may hereafter act as a Commissioner for putting in execution the said Land Tax Act in the said District, other than the Possession of their respective Offices; nor in any Shire or Stewartry in *Scotland*, for any Provost, Baillie, Dean of Guild, Treasurer, Master of the Merchants Company, or Deacon Convenor of the Trades for the Time being of any Royal Burgh in *Scotland*, nor any Baillie for the Time being of any Borough of Regality or Barony of *Scotland*, nor the Factors for the Time being on the several forfeited Estates annexed to the Crown by an Act passed in the Twenty-fifth Year of the Reign of King *George* the Second, who shall be respectively appointed Commissioners for executing the said Land Tax Act in any Shire or Stewartry in *Scotland*; nor for any Commissioner for Special Purposes acting in the Execution of any of the Powers or Provisions of this Act.

For choosing Additional Commissioners;

XVI. And be it enacted, That whenever it shall be deemed by the Commissioners for the General Purposes of this Act to be expedient that certain of the Powers herein contained shall be executed by Commissioners other than and in addition to the Persons to be chosen or appointed as aforesaid, such Additional Commissioners shall be chosen by the Commissioners for General Purposes acting in the same District; for which Purpose the said Commissioners, being duly qualified as required by this Act shall, with the Consent of the major Part of them assembled at any Meeting to be held for that Purpose, set down in Writing Lists of the Names of such Persons residing within their respective Districts as shall in the Opinion of such Commissioners be fit and proper Persons to act as such Additional Commissioners, which Lists shall contain the Names of so many of those Persons as the said Commissioners shall in their Discretion, after taking into consideration the Size of each District, and the Number of Persons to be assessed therein, think requisite for the due Execution of this Act; which Lists, being respectively signed by such Commissioners, shall be a sufficient Authority for such Additional Commissioners being respectively qualified as herein-after is mentioned, and they are hereby authorized to take upon themselves the Execution of the several Powers of this Act according to the Provisions thereof: Provided always, that the Persons appointed to supply Vacancies in any District may be chosen and act as Additional Commissioners until their Services shall be required as Commissioners for General Purposes: Provided also, that no Person shall be capable of acting as such Additional Commissioner who shall not be seised or enfeoft or possessed of an Estate of the like Nature, and of One Half the Value, herein required for the Estate of a Commissioner for General Purposes in the same District: Provided also, that where no Additional Commissioners shall be named and appointed in any District, the Commissioners appointed for General Purposes shall execute this Act in such District in all Matters and Things hereby authorized to be done by Additional Commissioners.

their Qualification.

In default of naming Additional Commissioners.

Appointment of Commissioners in Places not having Persons qualified.

XVII. Provided always, and be it enacted, That if in any City, Liberty, Franchise, Cinque Port, Town, or Place, for which separate Commissioners have been appointed to act in execution of the said Land Tax Act, there shall not be found a sufficient Number of Persons, qualified as directed by this Act, and willing to act as Commissioners for General Purposes, or as Additional Commissioners, it shall be lawful to appoint, as such Commissioners or Additional Commissioners, any Persons residing in such City, Liberty, Franchise, Cinque Port, Town, or Place, who shall be liable to be assessed under the Provisions contained in this Act for annual Profits, however arising, to the Amount of Two hundred Pounds or upwards.

Newly appointed Commissioners may assess and levy for former Years.

XVIII. And be it enacted, That whenever a new Appointment of Commissioners shall take place they shall execute this Act as well with respect to the Duties which shall not but which ought to have been assessed in any former Year, and with respect to Arrears of Duties assessed in any former Year under this Act, as to the Assessments to be made in such Year in which they shall be appointed, and shall have the like Powers to assess, levy, and collect such Duties and Arrears as they have to assess, levy, and collect the Duties assessed by them; for all which Acts such Appointment shall be a sufficient Authority, subject to the Regulations of this Act.

Notice to be given to Additional Commissioners to take upon themselves the Execution of this Act.

XIX. And be it enacted, That whenever the said Commissioners for General Purposes shall have named such Additional Commissioners as aforesaid, they shall cause Notice thereof in Writing, signed by Two or more of them, to be delivered to the said Additional Commissioners by the Assessors of the respective Parishes or Places where they reside, naming the Day and Place appointed by the Commissioners for General Purposes for the First Meeting of the said Additional Commissioners, and which Meeting shall be appointed to be held not later than Ten Days after the Date of such Notice; and the said respective Assessors shall, without Delay, cause the respective Persons so named to be summoned, by Notice in Writing, either given personally or left at their respective Places of Abode, to assemble, at the Time and Place mentioned in such Notice, for the Purpose of qualifying themselves to act in the Execution of the Powers vested in them by this Act; and the said Commissioners for General Purposes shall administer the Oath to such Additional Commissioners required by this Act to be taken by them, and shall then and there appoint a Day for the said Additional Commissioners to bring in their Certificates of Assessment in the Manner herein directed; and the Clerk to the Commissioners in each District, or his Assistant, shall also be appointed Clerk to the Additional Commissioners appointed for the same District, and shall attend the said Additional Commissioners at their Meetings as their Clerk.

The Oath to be administered to them.

Clerk.

Dividing Additional Commissioners into Committees.

Number of Additional Commissioners in each Committee or District.

XX. And be it enacted, That it shall be lawful for the Commissioners for General Purposes, whenever in their Judgment the same shall be requisite, to divide such Additional Commissioners into District Committees, and to allot to each Committee distinct Parishes, Wards, or Places in which such Committees shall separately act in the Execution of this Act, but so that the Meetings of such Committee shall be appointed at such Times as that the Clerk to such Commissioners may attend every Meeting: Provided always, that not more than Seven Persons shall act together as Additional Commissioners for the same District not being formed into several Divisions as aforesaid, nor any greater Number act together in the same Committee; and that where more than Seven Persons shall attend as such Additional Commissioners at any Meeting, either for the Whole of any District or for any Division thereof, the Seven Persons first in their Order on the List signed by the Commissioners for General Purposes then present shall act, and the rest shall withdraw from such Meeting: Provided also, that not less than Two Additional Commissioners shall be competent to form any Meeting either for any District or Division thereof, and that any Two of them, or the major Part of them then present, shall be competent to do any Act authorized by this Act.

XXI. Pro-

XXI. Provided always, and be it enacted, That if it shall appear to the Commissioners for General Purposes, whether they shall have been chosen as aforesaid or shall act by virtue of their Appointment of Commissioners for executing the said Land Tax Act, to be expedient that a greater Number than Seven Commissioners for General Purposes, possessing the Qualification required for such Commissioners, should be appointed for any District, instead of appointing Commissioners possessing only the Qualification required for Additional Commissioners as before mentioned, it shall be lawful for them to appoint such greater Number, not in any Case exceeding the Number of Seven, observing, with regard to such Appointments, the same Rules as in the first Appointment of Commissioners for General Purposes, but nevertheless without adding thereto any Persons to supply their Vacancies; and in every Case of appointing such increased Number of Commissioners for General Purposes it shall be lawful for the said Commissioners, at their First Meeting after such Appointment, and they are hereby required, to choose indifferently by Lot such Number of their own Body, not less than Two or more than Seven, to execute the Office vested in Additional Commissioners by this Act, and the Persons so chosen shall be Additional Commissioners for executing this Act and the Powers hereby vested in Additional Commissioners, and they are hereby required to execute this Act accordingly, and the remaining Commissioners, not so chosen by Lot, shall execute the Powers vested in the Commissioners for General Purposes; provided also, that where no such Additional Commissioners shall have been appointed specially to execute the Powers vested in Additional Commissioners, the Commissioners acting in the Execution of the Powers of this Act, whether chosen as aforesaid or not, shall divide themselves in such Manner that Two Commissioners at the least shall be appointed to execute the Powers vested in Additional Commissioners by this Act; and if in such Case there shall not be Two remaining Persons at least qualified to act as Commissioners for General Purposes in such District, then the Persons qualified to act in the Execution of the Powers of this Act as Commissioners for General Purposes in any adjoining District of the same County, Riding, Division, Shire, or Stewartry, or such Number of them as shall be requisite, shall execute this Act and the Powers hereby vested in Commissioners for General Purposes in and for such first-mentioned District.

For appointing a greater Number of Commissioners for General Purposes instead of Additional Commissioners.

Two of them to execute the Office of Additional Commissioners.

Where none appointed, then Commissioners for General Purposes may act.

If not sufficient, then others may be taken out of the adjoining District.

XXII. And be it enacted, That the Commissioners for General Purposes shall execute this Act in all Matters and Things relating to the Duties in Schedules (A.) and (B.) of this Act, except such Allowances in respect thereof as are directed to be made in Number VI. of Schedule (A.) by other Commissioners for Special Purposes as herein-after mentioned, and also all Matters and Things relating to the Duties in Schedule (D.) of this Act, except in Cases where such Matters and Things are herein directed to be done by the said Commissioners for Special Purposes, or by the additional Commissioners, or Persons acting as such; and the said Commissioners for General Purposes shall also execute this Act in all Matters and Things relating to the Duties in Schedule (E.) not executed by the Commissioners authorized to be appointed for those Duties: Provided always, that nothing herein contained shall be construed to preclude any Person chosen a Commissioner for General Purposes from acting as such by reason of his acting or having acted as an additional Commissioner, except only in the hearing and determining of Appeals against or relating to such particular Assessments, wherein he shall have made an Assessment as such Additional Commissioner.

Commissioners for General Purposes to execute all Matters with respect to the Duties under all the Schedules, except such as are directed to be executed by Special or other Commissioners.

XXIII. And be it enacted, That the Commissioners of Stamps and Taxes for the Time being, together with such Persons as shall be appointed Commissioners for Special Purposes as next herein-after mentioned, shall be Commissioners for the Special Purposes of this Act; and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under their Hands and Seals, from Time to Time to appoint such and so many other Persons to be Commissioners for such Special Purposes as they respectively shall think expedient; which said Commissioners of Stamps and Taxes, and Commissioners so to be appointed as last aforesaid, without other Qualification being required than the Possession of their respective Offices, shall have full Authority to execute the several Powers given by this Act to Commissioners for Special Purposes, either in relation to the Allowances specified in Number VI. Schedule (A.) of this Act, or in relation to the Special Exemptions granted from the Duties mentioned in Schedule (C.) of this Act or to the charging and assessing the Profits arising from Annuities, Dividends, and Shares of Annuities paid in *Great Britain* out of the Revenues of any Foreign State as herein mentioned, and also in relation to the examining, auditing, checking, and clearing the Books and Accounts of Dividends delivered to the Commissioners of Stamps and Taxes under the Authority of this Act; and shall also have full Authority to do any other Act, Matter, or Thing hereby directed or required to be done by Commissioners for Special Purposes; and all Powers, Provisions, Clauses, Matters, and Things contained in this Act for ascertaining the Amount of any Duty, Exemption, or Allowance mentioned in this Act shall be used, practised, and put in execution by the said Commissioners for Special Purposes in ascertaining the Amount of Duty or any Exemption or Allowance placed under their Cognizance or Jurisdiction: Provided always, that it shall not be lawful for the said Commissioners for Special Purposes (except when acting in the Execution of this Act in the Place of Commissioners for General Purposes, or on any Appeal in the Cases authorized by this Act,) to summon any Person to be examined before them, but all Inquiries by or before the said Commissioners for Special Purposes (except in the several Cases aforesaid) shall be answered by Affidavit to be taken before One of the Commissioners for General Purposes in their respective Districts; and such Commissioners for Special Purposes shall have Authority to use, exercise, and apply all the Powers of this Act as effectually as any other Commissioners are hereby authorized to use, exercise, or apply the same, so far as the same Powers relate to the Jurisdiction given to the said Commissioners for Special Purposes;

Commissioners for Special Purposes.

Functions of Special Commissioners.

Their Proceedings to be by Affidavit without vivâ voce Examination.

and the said Commissioners for Special Purposes shall and may be allowed such Salary for their Pains and Trouble, and such incidental Expences, as the said Commissioners of Her Majesty's Treasury shall direct to be paid to them: Provided always, that the said Commissioners of Her Majesty's Treasury shall cause an Account of all Appointments of Commissioners for Special Purposes with Salaries to be laid before each House of Parliament within Twenty Days after their Appointment respectively, if Parliament shall then be sitting, and if Parliament shall not be sitting then within Twenty Days after the next Meeting of Parliament.

Appointments of Commissioners with Salaries to be laid before Parliament.

Governor and Directors of the Bank of England to be Commissioners for assessing Duties on all Annuities, Dividends, Pensions, Salaries, &c. payable by the Bank, and on their Profits.

XXIV. And be it enacted, That the Governor and Directors of the Company of the Bank of *England* shall be Commissioners for executing this Act, for the Purpose of assessing and charging the Duties hereby granted in respect of all Annuities payable to the said Company at the Receipt of the Exchequer, and the Profits attached to the same and divided amongst the several Proprietors, and in respect of all Annuities, Dividends, and Shares of Annuities payable out of the Revenue of the United Kingdom to any Persons, Corporations, or Companies whatever, and which shall have been intrusted to the said Governor and Company for such Payment, and in respect of all other Annuities, Dividends and Shares of Annuities which shall have been intrusted to the said Governor and Company for Payment as aforesaid, and in respect of all Profits and Gains of the said Company chargeable under Schedule (D.) of this Act, and in respect of all other Dividends, Annuities, Pensions, and Salaries payable by the said Company, and also in respect of all other Profits chargeable with Duty under this Act, and arising within any Office or Department under the Management or Control of the said Governor and Company; and the said Commissioners shall have Authority to use, exercise, and apply all the Powers of this Act as fully and effectually as the Commissioners for the general Purposes of this Act are authorized to use, exercise, or apply the same, so far as the same relate to the said Duties to be assessed and charged by the said Governor and Directors, and shall make their Assessments of the said Duties under and subject to the Rules, Regulations, and Exemptions contained in the several Schedules of this Act under which such Duties are respectively chargeable.

Governor, &c. of the Bank of Ireland to be Commissioners for assessing Duties on Annuities, &c.

XXV. And be it enacted, That the Governor and Directors of the Company of the Bank of *Ireland* shall be Commissioners for executing this Act, and with the like Powers as aforesaid, for the Purpose of assessing and charging the Duties hereby granted in respect of all Annuities, Dividends and Shares of Annuities payable by the Governor and Company of the Bank of *Ireland*, out of the public Revenue of the United Kingdom, to or for the Use or Benefit of any Persons not resident in *Ireland*; and the said last-mentioned Commissioners shall make their Assessments of the said Duties, under and subject to the Rules, Regulations, and Exemptions contained in Schedule (C.) of this Act.

Governors, &c. of the South Sea Company to be Commissioners for assessing Duties on all Annuities, Dividends, Pensions, Salaries, &c. payable by them.

XXVI. And be it enacted, That the Governors and Directors of the *South Sea* Company shall be Commissioners for executing this Act, with the like Powers as aforesaid, for the Purpose of assessing and charging the Duties hereby granted in respect of all Annuities payable to the said Company at the Receipt of the Exchequer, and the Profits attached to the same and divided amongst the several Proprietors, and in respect of all Annuities, Dividends, and Shares of Annuities payable out of the Revenue of the United Kingdom to any Persons, Corporations, or Companies whatever, and which shall have been intrusted to the said Company for such Payment, and in respect of all other Dividends, Annuities, Pensions, and Salaries payable by the said Company, and also in respect of all other Profits chargeable with Duty under this Act, and arising within any Office or Department under the Management or Control of the said Governors and Company; and the said Commissioners shall make their Assessments of the said Duties under and subject to the Rules, Regulations, and Exemptions contained in the several Schedules of this Act under which such Duties are respectively chargeable.

Directors of the East India Company to be Commissioners for assessing Duties on Interest, payable by them.

XXVII. And be it enacted, That the Directors of the *East India* Company shall be Commissioners for executing this Act, and with the like Powers as aforesaid, for the Purpose of assessing and charging the Duties hereby granted in respect of the Interest payable on the Bonds of the said Company, and in respect of all Dividends, Annuities, Pensions, and Salaries payable by the said Company, and also in respect of all other Profits and Gains chargeable with Duty under this Act, and arising within any Office or Department under the Management or Control of the said Company; which Assessments shall be made under and subject to the Rules, Regulations, and Exemptions contained in the several Schedules under which the said Duties are respectively chargeable.

Commissioners for Reduction of National Debt to assess the Duties on Annuities paid by them, &c.

XXVIII. And be it enacted, That the Commissioners for the Reduction of the National Debt shall be Commissioners for executing this Act, and with the like Powers as aforesaid, for the Purpose of assessing and charging the Duties hereby granted in respect of all Annuities payable by them out of the Revenue of the United Kingdom, and in respect of all Salaries and Pensions payable in any Office or Department under their Management or Control; and the said Commissioners shall make their Assessments of the said Duties under and subject to the Rules, Regulations, and Exemptions contained in the several Schedules under which the said Duties are respectively chargeable.

Commissioners for charging Foreign Dividends.

XXIX. And be it enacted, That the said Commissioners for Special Purposes shall be Commissioners under the Regulations of this Act, and with the like Powers as aforesaid, for the Purpose of assessing and charging the Duties hereby made payable on all Dividends and Shares of Annuities payable out of the Revenue of any Foreign State to any Persons, Corporations, Companies, or Societies in *Great Britain*, which shall have been or shall be intrusted for such Payment to any Person, Corporation, Company, or Society whatever in *Great Britain*, other than and except the several Companies aforesaid, which Assessments shall be made under and subject to the Rules, Regulations, and Exemptions contained in Schedule (C.) of this Act.

XXX. And

Appointment of Commissioners for the Duties on Offices in the Courts or public Departments.

XXX. And for the ordering, raising, levying, and paying of the said Sums of Money hereby made payable on Offices and Employments of Profit, be it enacted, That the Lord High Chancellor, the Judges, and the principal Officer or Officers of each Court or public Department of Office under Her Majesty throughout *Great Britain*, whether the same shall be Civil, Judicial, or Criminal, Ecclesiastical or Commissary, Military or Naval, shall respectively have Authority to appoint Commissioners from and amongst the Officers of each Court or Department of Office respectively; and the Persons so appointed, or any Three or more of them, not in any Case exceeding Seven, shall be Commissioners for executing this Act in relation to the Offices in each such Court or Department respectively: Provided always, that in relation to each Department of Office, not being One of Her Majesty's Courts, Civil, Judicial, or Criminal, or an Ecclesiastical or Commissary Court, the Commissioners of Her Majesty's Treasury shall, whenever they may think it expedient, settle and determine in what particular Departments Commissioners shall not be appointed, and in such Case shall settle and determine in what other Department of Office the Officers of that Department wherein Commissioners shall not be appointed shall be assessed; and also whenever there shall be any Default in the Officers of any Department, or in any Court aforesaid, in appointing Commissioners, the said Commissioners of Her Majesty's Treasury shall, within the Time herein limited, appoint fit and proper Persons to be Commissioners for executing this Act in the several Courts or Departments of Offices aforesaid for which they shall be appointed, from and amongst the Officers in the several Departments respectively, uniting for the Purposes of this Act, in Cases requiring the same, Two or more Offices under the same Commissioners, but nevertheless with distinct Officers from each Office so united for assessing and collecting the Duties, as directed by this Act; and where any Dispute shall arise touching the Department in which any Office is executed, the said Commissioners of Her Majesty's Treasury shall determine the same: Provided also, that where the Commissioners of one Department shall execute this Act in relation to any other Department, the Assessors and Collectors for such other Department shall be appointed from the Officers of such other Department, with all the Powers and Privileges appertaining to such Appointments: Provided also, that where no Appointment shall be made of Commissioners before the Expiration of the Time limited by this Act, the Commissioners for executing this Act in relation to the Duties on Lands and Tenements shall, on due Notice in the Manner herein directed, execute this Act in their several Districts in relation to the said Duties on Offices and Employments of Profit exercised within the same Districts respectively; and the Appointment of such Commissioners for Offices and Employments of Profit shall be notified to the Commissioners of Stamps and Taxes; and the Want of such Notification in due Time shall be deemed full Proof of Default in making such Appointment.

Power reserved to the Treasury with respect to the assessing of public Departments.

Commissioners for Duties on Offices in Houses of Parliament, Counties Palatine, inferior Courts, and under Ecclesiastical Bodies.

XXXI. And be it enacted, That the Speaker and the principal Clerk of either House of Parliament, the principal or other Officers in the several Counties Palatine, and the Duchy of *Cornwall*, or in any Ecclesiastical Court, or in any inferior Court of Justice, whether of Law or Equity, or Criminal or Justiciary, or under any Ecclesiastical Body or Corporation, whether Aggregate or Sole, throughout *Great Britain*, shall appoint Commissioners from and amongst the Persons executing Offices in either House of Parliament, or in their respective Departments of Office; and the Persons so appointed, or any Three or more of them, not in any Case exceeding Seven, shall be Commissioners for executing this Act, in relation to the Places, Offices, and Employments of Profit in each House of Parliament, and in each such Department respectively; which Appointments shall be made, and the Names of the Commissioners shall be transmitted to the Commissioners of Stamps and Taxes within the Time herein limited, or in default thereof such Appointments shall be made by the Commissioners of Her Majesty's Treasury: Provided always, that where no such Appointment as last mentioned shall be made before the Expiration of the Time limited by this Act, the Commissioners for executing this Act in relation to the Duties on Lands and Tenements shall, in their several Districts, on due Notice of such Default in the Manner herein directed, also execute this Act in relation to the Duties on such Offices or Employments of Profit exercised within the same Districts respectively; and the Want of Notification of any such Appointment to the Commissioners of Stamps and Taxes in due Time shall be deemed full Proof of Default in making such Appointment.

Commissioners for the Duties on Offices in Cities and Boroughs, and all other Offices not under the Crown, in Counties, Ridings, &c.

XXXII. And be it enacted, That the Mayor, Aldermen, and Common Council, or the principal Officers or Members, by whatever Name they shall be called, of every Corporate City, Borough, Town, or Place, and of every Cinque Port, throughout *Great Britain*, or any Three or more of them, not in any Case exceeding Seven, shall be Commissioners for executing this Act, and the Powers herein contained, in relation to the public Offices or Employments of Profit in such City, Corporation, and Cinque Port, and in every Guild, Fraternity, Company, or Society, whether Corporate or not Corporate, within such City, Corporation, or Cinque Port; and that for all Offices or Employments of Profit (not being public Offices or Employments of Profit under Her Majesty) in any County, Riding, Shire, Stewartry, City, Liberty, Franchise, Town, or Place, whether in the Appointment of the Lieutenant, Custos Rotulorum, or the Justices or Magistrates, or Commissioners for Aids or Taxes, or Sheriff of such County, Riding, Shire, Stewartry, City, Liberty, Franchise, Town, or Place, or of any Trustees or Guardians of any Trust or Fund in such County, Riding, Shire, Stewartry, City, Town, or Place, and for all Parochial Offices in such County, Riding, Shire, Stewartry, City, Town, or Place, (except Corporate Offices in Cities, Corporate Towns, Boroughs, or Places, or Offices in Cinque Ports, as aforesaid,) the Commissioners for executing this Act in relation to the Duties on Lands and Tenements shall, in their several Districts, also execute this Act in relation to the said Duties on Offices in such County, Riding, Shire, Stewartry, City, Liberty, Franchise, Town, or Place; and such respective Commissioners shall and may exercise any of

of the Powers contained in this Act, in relation to any of the Duties herein mentioned, for causing due Returns to be made from the respective Officers within their respective Jurisdictions, and for compelling the Assessors to make their Assessments, and return the same, and for the due Collection of and accounting for the said Duties, and may act therein in all respects as fully and effectually as any other Commissioners are hereby empowered to act in relation to the said other Duties; provided the Monies collected of the said Duties under the respective Commissioners acting for such Offices in Corporate Cities, Boroughs, Towns, or Places aforesaid, or in the Cinque Ports, or in the several Counties, Ridings, Divisions, Shires, Stewartries, Cities, Liberties, Franchises, Towns, and Places, shall be paid to the proper Officer for Receipt for the County, Riding, Shire, or Stewartry, and not otherwise, and that the like Duplicates shall be delivered of such last-mentioned Duties as in other Cases where the same are directed to be paid in like Manner.

Appointment of Commissioners to be notified to the Stamp and Tax Offices; in default of such Notification, the Appointment to devolve on the Treasury, and the Commissioners of the District to execute Act.

XXXIII. And be it enacted, That the Appointment of Commissioners for executing this Act in relation to the Duties on Offices and Employments of Profit as aforesaid shall be notified to the Commissioners of Stamps and Taxes, within One Calendar Month after the passing of this Act, with respect to the First Assessment under the same, and within One Calendar Month after the Fifth Day of *April* in any future Year; and in default thereof the Appointment of such Commsisioners shall devolve on the Commissioners of Her Majesty's Treasury, and on the Commissioners of the District, in succession as aforesaid: Provided always, that such Appointment by the Commissioners of Her Majesty's Treasury shall take place within One Calendar Month after the Notification of such Default as aforesaid from the Commissioners of Stamps and Taxes; and in case of no Appointment as last aforesaid, notified to the Commissioners of Stamps and Taxes in like Manner, the Execution of this Act shall devolve on the Commissioners appointed for the District in relation to the Duties on Lands, Tenements, and Hereditaments, and every such Appointment shall be until other Commissioners shall be appointed, and may be renewed annually on or before the Fifth Day of *April* in each Year during the Continuance of this Act: Provided always, that the Commissioners so to be appointed may continue to act from Year to Year, so long as they are respectively willing to act, without any new Appointment, unless it shall be deemed expedient under the Powers of this Act that any Department for which Commissioners have been appointed should be assessed under the Commissioners of any other Department.

Commissioners appointed may continue to act.

Commissioners for the Duties on Pensions and Stipends payable by Her Majesty.

XXXIV. And be it enacted, That for the better Execution of this Act, so far as the same relates to the Duties hereby granted on Pensions or Stipends payable by Her Majesty, or out of the public Revenue, contained in Schedule (E.), and for the ordering, raising, levying, and paying of the Duties hereby made payable thereon, in Cases not otherwise provided for by this Act, the Paymaster of Civil Services, and such other Persons as the Commissioners of Her Majesty's Treasury shall appoint, shall be Commissioners for executing this Act, and all the Powers herein contained, in relation to the said last-mentioned Duties, or shall respectively appoint Commissioners from amongst the Officers of those Departments for such Purposes.

Commissioners entitled to Certificates exempting them from Parish and Ward Offices and serving on Juries.

XXXV. And be it enacted, That every Person acting as a Commissioner as aforesaid in the Execution of this Act shall on Request be entitled unto a Certificate thereof under the Hands of the Commissioners of Stamps and Taxes, which Certificate shall continue in force so long only as such Person shall continue to act as such Commissioner, and shall be revocable by the Commissioners of Her Majesty's Treasury, by any Instrument in Writing under their Hands, when it shall appear to them that such Person hath neglected to perform his Duty as such Commissioner; and the Person to whom such Certificate shall have been granted shall, during the Continuance thereof in force, be discharged of and from all Parish and Ward Offices within the Parish or Ward wherein such Person shall dwell, and from serving on Juries in the County wherein such Person shall dwell, which said Certificate shall be enrolled by the Clerk of the Peace of the County or City in which the same shall be granted, for which Enrolment the said Clerk of the Peace shall have for his Fee the Sum of One Shilling, and no more; and the said Clerk of the Peace shall cause every Certificate revoked in manner aforesaid to be taken off the Roll on Notice thereof to be given to him by the Commissioners of Stamps and Taxes.

Appointment of Assessors and Collectors.

XXXVI. And be it enacted, That in *England* the Commissioners for General Purposes may appoint Assessors and Collectors for the Duties granted by this Act in like Manner as Assessors and Collectors may be appointed under the said Acts relating to the Duties of Assessed Taxes; and in *Scotland* the said Commissioners for General Purposes may in like Manner appoint Assessors for the said Duties hereby granted; and the same Persons who now are or may be appointed Collectors or Officers for collecting and receiving the Land Tax and Assessed Taxes in *Scotland* under the Authority of the Act in that Behalf made, and none other, shall be Collectors and Receivers of the Duties granted by this Act.

Officers for Receipt of Land Tax and Assessed Taxes, and the Inspectors and Surveyors of Assessed Taxes, to act in the Execution of this Act; and to have the like Powers as

XXXVII. And be it enacted, That the Officers for Receipt of the Land Tax and Assessed Taxes appointed or to be appointed by the Commissioners of Her Majesty's Treasury, or by the Commissioners of Stamps and Taxes, and the Inspectors and Surveyors appointed or to be appointed in like Manner for the Duties of Assessed Taxes, shall be respectively Officers for Receipt and Inspectors and Surveyors of the Duties granted by this Act; and the said Commissioners for General Purposes, and the said Additional Commissioners acting in the Execution of this Act, and the said Assessors and Collectors to be appointed as herein mentioned, and the said Officers for Receipt and Inspectors and Surveyors respectively, shall be and they are hereby respectively empowered and required to do all Things necessary for putting this Act in execution, with relation to the said Duties hereby granted, in the like and in as full and ample a Manner as any Commissioners, Assessors, Collectors, Officers for Receipt, Surveyors, or Inspectors, are authorized to put in execution the said Acts relating to the said Duties of Assessed Taxes, or any Matter or Thing

Thing therein contained, as well with respect to all Acts, Matters, and Things to be done by, under, or before the said Additional Commissioners, or by, under, or before the *Commissioners for General* Purposes in their respective Districts or Departments, as by, under, and before the said *Commissioners for* Special Purposes. under the *Assessed Taxes.*

XXXVIII. And be it enacted, That every Person appointed a Commissioner either for General or Special Purposes, or an Additional Commissioner, or an Assessor or Collector, or a Clerk or Clerk's Assistant to the said respective Commissioners, and every Inspector, Surveyor, and Officer for Receipt, shall, before he shall begin to act in the Execution of this Act, so far as relates to the Duties contained in Schedule (D.), take the Oath prescribed by this Act, and contained in the Schedule marked (F.) applicable to such Officers respectively; which Oath any one of the Persons appointed a Commissioner, either for General or Special Purposes as aforesaid, or an Additional Commissioner, is hereby authorized to administer, (except that every such Oath so to be administered to any Commissioner for General or Special Purposes as aforesaid, or to an Additional Commissioner, shall be administered by a Commissioner for such General or Special Purposes, and not otherwise,) and which Oath so taken shall be subscribed by the Party taking the same; and if any Person shall act as a Commissioner in relation to the Duties in Schedule (D.), except in administering the Oath herein mentioned, or shall act as a Clerk or Clerk's Assistant, or an Assessor, Collector, Inspector, Surveyor, or Officer for Receipt in relation to the Duties contained in the said Schedule (D.), before he shall have taken the Oath herein required to be taken by such Officer respectively, he shall forfeit the Sum of One hundred Pounds. *Commissioners and others to take the Oaths in Schedule (F.)*

XXXIX. And be it enacted, That any Subject of Her Majesty whose ordinary Residence shall have been in *Great Britain*, and who shall have departed from *Great Britain* and gone into any Parts beyond the Seas, for the Purpose only of occasional Residence, at the Time of the Execution of this Act, shall be deemed, notwithstanding such temporary Absence, a Person chargeable to the Duties granted by this Act as a Person actually residing in *Great Britain*, and shall be assessed and charged accordingly (in manner herein-after directed) upon the whole Amount of his Profits or Gains, whether the same shall arise from Property in *Great Britain* or elsewhere, or from any Allowance, Annuity, or Stipend, (except as herein is excepted,) or from any Profession, Employment, Trade, or Vocation in *Great Britain* or elsewhere: Provided always, that no Person who shall on or after the passing of this Act actually be in *Great Britain* for some temporary Purpose only, and not with any View or Intent of establishing his Residence therein, and who shall not actually have resided in *Great Britain* at one Time or several Times for a Period equal in the whole to Six Months in any One Year, shall be charged with the said Duties mentioned in Schedule (D.) as a Person residing in *Great Britain*, in respect of the Profits or Gains received from or out of any Possessions in *Ireland*, or any other of Her Majesty's Dominions, or any Foreign Possessions or from Securities in *Ireland*, or any other of Her Majesty's Dominions, or Foreign Securities; but nevertheless every such Person shall, after such Residence in *Great Britain* for such Space of Time as aforesaid, be chargeable to the said Duties for the Year commencing on the Sixth Day of *April* preceding: Provided also, that any Person who shall depart from *Great Britain* after claiming such Exemption, and shall again return to *Great Britain* on or before the Fifth Day of *April* next after such Claim made, shall be chargeable to the said Duties as a Person residing in *Great Britain* for the whole of the Year in which such Claim shall have been made. *Temporary Absentees to be charged as Residents.* *Temporary Residents to be charged after Six Months Residence.* *Persons departing after Exemption, and returning within the Year, to be charged.*

XL. And be it enacted, That all Bodies Politic, Corporate, or Collegiate, Companies, Fraternities, Fellowships, or Societies of Persons, whether Corporate or not Corporate, shall be chargeable with such and the like Duties as any Person will under and by virtue of this Act be chargeable with, and that the Chamberlain or other Officer acting as Treasurer, Auditor, or Receiver for the Time being of every such Corporation, Company, Fraternity, Fellowship, or Society shall be answerable for doing all such Acts, Matters, and Things as shall be required to be done by virtue of this Act, in order to the assessing such Bodies Corporate, Companies, Fraternities, Fellowships, or Societies to the Duties granted by this Act, and paying the same. *Corporations and Societies to be charged with Duties, and their Officers to do all Acts requisite for Assessment.*

XLI. And be it enacted, That the Trustee, Guardian, Tutor, Curator, or Committee of any Person, being an Infant, or Married Woman, Lunatic, Idiot, or Insane, and having the Direction, Control, or Management of the Property or Concern of such Infant, Married Woman, Lunatic, Idiot, or insane Person, whether such Infant, Married Woman, Lunatic, Idiot, or insane Person shall reside in *Great Britain* or not, shall be chargeable to the said Duties in like Manner and to the same Amount as would be charged if such Infant were of full Age, or such Married Woman were sole, or such Lunatic, Idiot, or insane Person were capable of acting for himself; and any Person not resident in *Great Britain*, whether a Subject of Her Majesty or not, shall be chargeable in the Name of such Trustee, Guardian, Tutor, Curator, or Committee, or of any Factor, Agent, or Receiver, having the Receipt of any Profits or Gains arising as herein mentioned, and belonging to such Person, in the like Manner and to the like Amount as would be charged if such Person were resident in *Great Britain*, and in the actual Receipt thereof; and every such Trustee, Guardian, Tutor, Curator, Committee, Agent, or Receiver, shall be answerable for the doing of all such Acts, Matters, and Things as shall be required to be done by virtue of this Act in order to the assessing of any such Person to the Duties granted by this Act, and paying the same. *Trustees and Guardians of incapacitated Persons to be charged.* *Non-residents to be charged in the Names of their Factors or Agents.*

XLII. Provided always, and be it enacted, That no Trustee who shall have authorized the Receipt of the Profits arising from Trust Property by the Person entitled thereunto, or by the Agent of such last-mentioned Person, and which Person shall actually receive the same under such Authority, nor any Agent or Receiver of any Person being of full Age, and resident in *Great Britain*, (other than a Married Woman, Lunatic, Idiot, and insane Person,) who shall return a List in the Manner herein-after required of *Trustees or Agents of Persons of full Age, resident in Great Britain, not required to do*

more than deliver Lists of Names, &c. of such Persons.

of the Name and Residence of such Person, shall be required to do any other Act for the Purpose of assessing such Person, unless the Commissioners acting in the Execution of this Act in respect of the Assessment to be made on such Person shall require the Testimony of such Trustee, Agent, or Receiver in pursuance of the Powers and Authorities by this Act given.

Receivers of Trust Property appointed by the Court of Chancery or other Courts chargeable.

XLIII. And be it enacted, That the Receiver appointed by the Court of Chancery, or by any other Court in *Great Britain*, having the Direction and Control of any Property in respect whereof a Duty is charged by this Act, whether the Title to such Property shall be uncertain or not, or subject to any Contingency or not, or be depending or be not ascertained by reason of any Dispute or other Cause, shall be chargeable to the said Duties in like Manner and to the like Amount as would be charged if the said Property was not under the Direction and Control of such Court, and the Title thereto was certain, and not subject to any Contingency whatever; and every such Receiver shall be answerable for doing all such Matters and Things as shall be required to be done by virtue of this Act, in order to the assessing of the Duties granted by this Act, and paying the same.

Trustees, Agents, Receivers, and Officers may retain the Duties charged upon them out of Trust Monies.

XLIV. And be it enacted, That where any Person, being Trustee, Agent, Factor, or Receiver, Guardian, Tutor, Curator, or Committee of or for any Person, shall be assessed under this Act in respect of such Person, or where any Chamberlain, Treasurer, Clerk, or other Officer of any Corporation, Company, Fraternity, or Society shall be so assessed in respect of such Corporation, Company, Fraternity, or Society as aforesaid, it shall be lawful for every such Person who shall be so assessed, by and out of the Money which shall come to his Hands as such Trustee, Agent, Factor, or Receiver, Guardian, Tutor, Committee, or Curator as aforesaid, or as such Chamberlain, Treasurer, Clerk, or other Officer, to retain so much and such Part thereof from Time to Time as shall be sufficient to pay such Assessment; and every such Trustee, Agent, Factor, or Receiver, Guardian, Tutor, Committee, or Curator, Chamberlain, Treasurer, Clerk, or other Officer, shall be and is hereby indemnified against every Person, Corporation, Company, Fraternity, or Society whatsoever, for all Payments which he shall make in pursuance and by virtue of this Act.

Married Women sole Traders, or having separate Property, how chargeable.

XLV. And be it enacted, That any Married Woman acting as a sole Trader by the Custom of any City or Place, or otherwise, or having or being entitled to any Property or Profits to her sole or separate Use, shall be chargeable to such and the like Duties, and in like Manner, except as herein-after is mentioned, as if she were actually sole and unmarried: Provided always, that the Profits of any Married Woman living with her Husband shall be deemed the Profits of the Husband, and the same shall be charged in the Name of the Husband, and not in her Name, or of her Trustee: Provided also, that any Married Woman living in *Great Britain* separate from her Husband, whether such Husband shall be temporarily absent from her or from *Great Britain*, or otherwise, who shall receive any Allowance or Remittance from Property out of *Great Britain*, shall be charged as a Feme Sole if entitled thereto in her own Right, and as the Agent of the Husband if she receive the same from or through him, or from his Property or on his Credit.

Commissioners to summon Assessors;

to administer Oaths and deliver to them their Instructions.

XLVI. And be it enacted, That for the ordering, raising, and levying the said Duties the respective Commissioners for General Purposes at the First Meeting to be held under this Act, or at a Meeting to be appointed for that Purpose, shall direct their Precepts to such Persons as shall have been apppointed Assessors for the Execution of this Act, or in case no such Appointment shall have been made, then to the Assessors for the Land Tax or the Duties of Assessed Taxes in their respective Districts, requiring them to appear before the said Commissioners at such Time and Place as they shall appoint; and on the Appearance of such Assessors the said Commissioners shall administer to them the Oath required by this Act to be taken by them, and issue to them their Warrants of Appointment as Assessors in the Execution of this Act, signed by such Commissioners, together with such Instructions duly filled up as shall be necessary for carrying this Act into execution; and the said Assessors shall duly serve and deliver, in the respective Parishes or Places for which they may be appointed, as well the Notices herein-after particularly directed to be served by them, as also all other Notices and Precepts, by whomsoever signed, which are or may be directed or required to be given by or in pursuance of this Act; and the said Assessors shall duly verify the Service of all such Notices and Precepts.

Assessors to serve Notices and Precepts.

Assessors to fix general Notices on Church Doors requiring Persons to deliver Lists.

XLVII. And be it enacted, That the Assessors to be appointed to execute this Act shall, within the Time and in the Manner directed by the Precept of the Commissioners for General Purposes, cause general Notices to be affixed on or near to the Door of the Church or Chapel and Market House or Cross (if any) of the City, Town, Parish, or Place for which such Assessors act; and if such City, Town, Parish, or Place shall not have a Church or Chapel, or Market House or Cross, then on the Church or Chapel nearest to such City, Town, Parish, or Place, requiring all Persons who are by this Act required to make out and deliver any List, Declaration, or Statement to make out and deliver to the respective Assessors or Commissioners, or to their Clerk, at their respective Offices to be described in such Notice, and as therein directed, all such Lists, Declarations, and Statements accordingly, within such Time as shall be limited by such Precept, and which shall not in any Case be later than Twenty-one Days from the Date of such Precept; and such general Notices shall, when the same shall be affixed as aforesaid, be deemed sufficient Notice to all Persons resident in such City, Town, Parish, or Place, and the affixing of the same in manner aforesaid shall be deemed good Service of such Notice; and the said respective Assessors shall cause the said Notices to be from Time to Time replaced, if necessary, for the Space of Ten Days before the Time required for the Delivery of such Lists, Declarations, and Statements as aforesaid; and every Person wilfully tearing, defacing, or obliterating any such Notice so affixed shall forfeit any Sum not exceeding Twenty Pounds.

XLVIII. Pro-

Assessors to deliver Notices at the Houses of Persons chargeable, who are to deliver Statements.

XLVIII. Provided always, and be it enacted, That the said Assessors shall, within the Time directed by the Precept of the said Commissioners, give Notice to every Person chargeable to the said Duties in respect of any Property or Profits situate or arising within the Limits of the said Places where such Assessors shall act, or leave such Notice at his Dwelling House or Place of Residence, or on the Premises to be charged by such Assessment within such Limits, requiring every such Person to prepare and deliver, in manner directed by this Act, all such Lists, Declarations, and Statements as they are respectively required to do by this Act, within such Time as shall be limited by such Precept; and if any Person residing within any Parish or Place at the Time such general Notice as aforesaid shall be given, or to whom such Notice shall be personally given, or at whose Dwelling House or Place of Residence the same shall be left, or if any Person occupying any Property or engaged in any Concern within such Limits, on whom such Notice shall be served in manner aforesaid, or for whom such Notice shall be left on the Premises to be charged as aforesaid, after Notice thereof, shall refuse or neglect to make out such Lists, Declarations, or Statements as may be applicable to such Person, and as the Case may require, and deliver the same in manner directed by this Act, within the Time limited in such Notice, then such Commissioners shall forthwith issue a Summons under their Hands to such Person making default as aforesaid, in order that the Penalty for such Refusal or Neglect may be duly levied; and the said Commissioners shall moreover proceed to assess or cause to be assessed every Person making such Default in the Manner herein directed.

Lists and Statements, where to be delivered.

XLIX. And be it enacted, That every such List, Declaration, or Statement of the Profits to be charged as aforesaid shall be delivered to the Assessor of the same Parish or Place, except Statements containing the Amount of Profits chargeable under Schedule (D.) of this Act, in such Cases where the Commissioners acting for such Parish or Place shall have caused to be inserted in the Notice that an Office is opened for the Receipt of Statements of Profits, and a proper Person appointed to receive the same, and the Time and Place of Attendance, in which Cases the Delivery of such Statements to be charged under the said Schedule (D.) shall be made at such Office to the Person there appointed to receive the same: Provided always, that in Cases where the Parties to be charged under the said Schedule (D.) shall give Notice of their Desire to be assessed for the said Duties by the Commissioners for Special Purposes, such Statements of Profits chargeable under the said Schedule (D.) shall be delivered, together with such Notice, to such Assessor as aforesaid, to be by him transmitted to the Inspector or Surveyor of the District.

Persons to deliver in Lists of the Names of Lodgers, Inmates, and others.

L. And be it enacted, That every Person, when required so to do by any Notice given in pursuance of this Act, shall, within the Period to be mentioned in such Notice, prepare and deliver to the Assessor of the Parish or Place where such Person shall reside a List in Writing, containing to the best of his Belief the proper Name of every Lodger or Inmate resident in his Dwelling House, and of other Persons chiefly employed in his Service, whether resident in such Dwelling House or not, and the Place of Residence of such of them as are not resident in such Dwelling House, and also of any such Lodger or Inmate who shall have any ordinary Place of Residence elsewhere at which he is entitled, under the Regulations of this Act, to be assessed, who shall be desirous of being so assessed at such Place of ordinary Residence; which Lists shall be signed by the respective Parties delivering the same, and shall severally be made out in such Form as shall be directed under the Authority of this Act: Provided always, that no Person required by this Act to deliver a List of Lodgers, Inmates, or other Persons aforesaid shall be liable to the Penalties herein-after mentioned, or either of them, for any Omission of the Name or Residence of any Person in his Service or Employ, and not resident in his Dwelling House, if it shall appear to the Commissioners for executing this Act, on Inquiry before them, that such Person is entitled to be exempted from the Payment of all and every the Duties hereby granted.

Persons not resident in their Dwelling Houses, if exempted from Duty, not liable to Penalty for Omission.

Persons acting for others to deliver in Lists in order to the Duty being duly charged.

LI. And be it enacted, That every Person who shall be in the Receipt of any Money or Value, or the Profits or Gains arising from any of the Sources mentioned in this Act, of or belonging to any other Person, in whatever Character the same shall be received, for which such other Person is chargeable under the Regulations of this Act, or would be so chargeable if he were resident in *Great Britain*, shall within the like Period prepare and deliver, in manner before directed, a List in Writing, in such Form as this Act requires, signed by him, containing a true and correct Statement of all such Money, Value, Profits, or Gains, and the Name and Place of Abode of every Person to whom the same shall belong, together with a Declaration whether such Person is of full Age, or a Married Woman living with her Husband, or a Married Woman for whose Payment of the Duty hereby charged on her the Husband is not accountable by this Act, or resident in *Great Britain*, or an Infant, Idiot, Lunatic, or insane Person, in order that such Person, according to a Statement, to be delivered as herein mentioned, may be charged either in the Name of the Person delivering such List, if the same shall be so chargeable, or in the Name of the Person to whom such Property shall belong, if of full Age, and resident in *Great Britain*, and the same be so chargeable by this Act; and every Person acting in such Character jointly with any other Person shall deliver a List of the Names and Places of Abode of every Person joined with him at the Time of delivering such List, and to the same Person to whom such List shall be delivered.

Statements to be delivered of the annual Value of Property, &c.

LII. And be it enacted, That every Person chargeable under this Act shall, when required so to do, whether by any general or particular Notice given in pursuance of this Act, within the Period to be mentioned in such Notice as aforesaid, prepare and deliver to the Person appointed to receive the same, and to whom the same ought to be delivered, a true and correct Statement in Writing, in such Form as this

this Act requires, and signed by the Person delivering the same, containing the annual Value of all Lands and Tenements in his Occupation, whether the same be situate in One or more Parish or Parishes, and the Amount of the Profits or Gains arising to such Person from all and every the Sources chargeable under this Act, according to the respective Schedules thereof, which Amount shall be estimated for the Period and according to the respective Rules contained in the respective Schedules of this Act; to which Statement shall be added a Declaration, that the same is estimated on all the Sources contained in the said several Schedules, describing the same, after setting against or deducting from such Profits or Gains such Sums, and no other, as are allowed by this Act; and every such Statement shall be made exclusive of the Profits and Gains accrued or accruing from Interest of Money, or other annual Payment arising out of the Property of any other Person, for which such other Person ought to be charged by virtue of this Act.

Trustees and Agents of Persons incapacitated, or not resident in Great Britain, to be charged.

LIII. And be it enacted, That every Person who shall act in any Character as aforesaid for any other Person, who by reason of any such Incapacity as aforesaid, or by reason of his not being resident in *Great Britain*, cannot be personally charged by virtue of this Act, shall also, within the like Period, deliver to the Person appointed to receive the same under this Act, and to whom the same ought to be delivered, and in the same District in which the Person delivering such List ought to be charged on his own Account, a true and correct Statement in Writing, signed by him, and to be made in such Form as this Act requires, of the Amount of the Profits and Gains to be charged on him on account of such other Person, estimated during the Period and according to the Rules contained in the said respective Schedules, together with such Declaration of the Manner of estimating the same as aforesaid: Provided always, that where Two or more such Persons shall be liable to be charged for the same Person, One Return only shall be required, and such Return shall be made by them jointly, or by One or more of them on behalf of himself or themselves and the rest of the Persons so liable, and it shall be lawful for them to give Notice in Writing to the Commissioners acting in each District where they shall be called upon for such Statement, in what Parish or Place, or Parishes or Places, they are respectively chargeable by this Act on their own account, and in which of the said Parishes or Places they are desirous of being so charged on the Behalf of such other Person for whom they so act in any of the Characters before mentioned, and they shall be assessed accordingly by One Assessment in such Parish or Place, provided any One of such Persons shall be liable to be charged on his own Account in such Parish or Place; and if more than One Assessment shall be made on such Persons, or any of them, on the same Account, Relief shall be granted from such Double Assessment by like Applications to the Commissioners as are allowed in other Cases by this Act.

Officers of Corporations to prepare Statements of Profits and Gains to be charged, estimated on the annual Profits before Dividend made.

LIV. And be it enacted, That every such Officer before described of any Corporation, Fraternity, Fellowship, Company, or Society shall also, within the like Period, prepare and deliver in like Form and Manner a true and correct Statement of the Profits and Gains to be charged on such Corporation, Fraternity, Fellowship, Company, or Society, computed according to the Directions of this Act, together with such Declaration of the Manner of estimating the same as aforesaid; and such Estimate shall be made on the Amount of the annual Profits and Gains of such Corporation, Fraternity, Fellowship, Company, or Society before any Dividend shall have been made thereof to any other Persons, Corporations, or Companies having any Share, Right, or Title in or to such Profits or Gains; and all such other Persons, and Corporations or Companies, shall allow out of such Dividends a proportionate Deduction in respect of the Duty so charged: Provided always, that nothing herein-before contained shall be construed to require in such Statement the Inclusion of Salaries, Wages, or Profits of any Officer of such Corporation, Fraternity, Fellowship, Company, or Society, otherwise chargeable under this Act: Provided also, that the Statements of the several Companies of the *East India* and *South Sea* shall be made exclusive of the Dividends and the Profits attached thereto, and to be divided amongst the Proprietors of the respective Stocks belonging to such Companies.

Proviso for East India and South Sea Companies.

Penalty on Persons neglecting to deliver in Lists; if on Information before Commissioners, 20*l.* and Treble Duty;

LV. And be it enacted, That if any Person who ought by this Act to deliver any List, Declaration, or Statement as aforesaid shall refuse or neglect so to do within the Time limited in such Notice, or shall under any Pretence wilfully delay the Delivery thereof, and if Information thereof shall be given, and the Proceedings thereupon shall be had, before the Commissioners acting in the Execution of this Act, every such Person shall forfeit any Sum not exceeding Twenty Pounds, and Treble the Duty at which such Person ought to be charged by virtue of this Act, such Penalty to be recovered as any Penalty contained in this Act is by Law recoverable, and the increased Duty to be added to the Assessment, but, nevertheless, subject to such Stay of Prosecution or other Proceedings by a subsequent Delivery of such List, Declaration, or Statement in the Case following; (that is to say,) if any Trustee, Agent, or Receiver, or other Person hereby required to deliver such List, Declaration, or Statement on behalf of any other Person, shall deliver an imperfect List, Declaration, or Statement, declaring himself unable to give a more perfect List, Declaration, or Statement, with the Reasons for such Inability, and the said Commissioners shall be satisfied therewith, the said Trustee, Agent, or Receiver, or other Person as aforesaid, shall not be liable to such Penalty in case the Commissioners shall grant further Time for the Delivery thereof; and such Trustee, Agent, Receiver, or other Person shall, within the Time so granted, deliver a List, Declaration, or Schedule, as perfect as the Nature of the Case will enable him to prepare and deliver; and every Person who shall be prosecuted for any such Offence by Action or Information in any of Her Majesty's Courts, and who shall not have been assessed in Treble the Duty as aforesaid, shall forfeit the Sum of Fifty Pounds.

if on Information in a Court of Law, 50*l.*

LVI. Pro-

LVI. Provided always, and be it enacted, That no Person to or on whom the Assessor shall not have delivered or served a particular Notice as aforesaid shall be liable to the Penalties before mentioned, or either of them, for not delivering such Statement as before required, if it shall appear to the Commissioners for executing this Act, on Inquiry before them, that such Person is entitled to be exempted from the Payment of all and every the Duties hereby granted. Persons to whom Notices have not been delivered not liable to Penalty if exempt.

LVII. And be it enacted, That the Assessor shall make out an Alphabetical List, and deliver the same to the Inspector or Surveyor of the District, containing the Names of all Persons to or on whom such Notices have been delivered or served in pursuance of this Act, and the Names of all Persons having Property or Profits chargeable under this Act, within the Limits of such Assessor, distinguishing the Persons who have duly made their Returns, and the Persons who have omitted to make such Returns, and the Persons who have given Notice to be assessed by the Commissioners for Special Purposes, and also the Persons who shall have been returned as Lodgers or Inmates within such Limits, or as chargeable within but having a Residence out of such Limits; and if such Assessor shall have neglected to give Notice to any Person to whom the same ought to be delivered, the Inspector or Surveyor may at any Time afterwards cause such Notice to be delivered to or served on such Person, and may also from Time to Time cause the like Notice to be delivered to or served on any Person coming to reside in any Parish or Place after the Expiration of such Notices. Assessors to make out a List of the Persons on whom Notices have been served. Inspector or Surveyor may serve Notice on Persons omitted.

LVIII. And be it enacted, That the Assessor for every Parish or Place shall personally appear before the said Commissioners at such Meeting as the said Assessor shall be appointed to attend, and shall then and there make Oath before the said Commissioners that the several Notices required to be delivered to Householders and Occupiers, and also to Lodgers and Inmates, by this Act, have been duly served in the Manner required by this Act, to the best of his Knowledge, and that general Notices to the Effect mentioned in this Act have been duly affixed, in the Manner hereby required, on such proper Places within the City, Town, or Place for which such Assessor shall act, as by this Act is required, and that the List delivered by him to the Inspector or Surveyor contains the Name of every Person to or on whom such Notices ought to be delivered or served according to the Directions of this Act, within the Knowledge of such Assessor and every Assessor who shall neglect to appear before such Commissioners, or refuse to make such Oath, or who shall have omitted or neglected to return to such Inspector or Surveyor the Name of any Person whose Name ought to be included in any such List as by this Act is required, shall forfeit any Sum not exceeding Twenty Pounds. Assessors to verify the Delivery of Notices, and the affixing of General Notices. Penalty, 20*l.*

LIX. And be it enacted, That the Clerks to the said respective Commissioners shall with all convenient Speed abstract the Returns of Statements delivered to such Commissioners by the Assessors, or at their Office by the respective Parties, into Books to be provided for that Purpose, and according to such Forms as shall be transmitted to them from the Head Office for Stamps and Taxes, such Abstracts to contain the Names of the Persons making such Returns, and the several Amounts of Profits returned by them respectively, to be laid before and delivered to the said Commissioners; and all such Returns shall be numbered and filed in the Office of the said Commissioners, and carefully kept so long as the Accounts of the said Duties for such District, or any Part thereof, shall remain unpaid to Her Majesty; to all which Books any Inspector or Surveyor who shall have taken the Oath herein prescribed before the Commissioners acting for the same Districts respectively shall have free Access at all seasonable Times, and shall take such Copies thereof, or of such Parts thereof, or Extracts from the same, as he shall deem necessary in order to the due Execution of this Act. Abstract to be made by the Clerks of Returns of Statements delivered to Commissioners. Inspectors may have Access to and take Copies from Books containing such Abstracts.

LX. And be it enacted, That the Duties hereby granted and contained in the said Schedule marked (A.) shall be assessed and charged under the following Rules, which Rules shall be deemed and construed to be a Part of this Act, and to refer to the said Duties, as if the same had been inserted under a special Enactment. Duties in Schedule (A.) to be charged under the following Rules.

SCHEDULE (A.)

No. I.—General Rule for estimating Lands, Tenements, Hereditaments, or Heritages mentioned in Schedule (A.)

The annual Value of Lands, Tenements, Hereditaments, or Heritages charged under Schedule (A.) shall be understood to be the Rent by the Year at which the same are let at Rack Rent, if the Amount of such Rent shall have been fixed by Agreement commencing within the Period of Seven Years preceding the Fifth Day of *April* next before the Time of making the Assessment, but if the same are not so let at Rack Rent, then at the Rack Rent at which the same are worth to be let by the Year; which Rule shall be construed to extend to all Lands, Tenements, and Hereditaments, or Heritages, capable of actual Occupation, of whatever Nature, and for whatever Purpose occupied or enjoyed, and of whatever Value, except the Properties mentioned in No. II. and No. III. of this Schedule. Annual Value to be ascertained by this Rule, except as after stated.

No. II.—Rules for estimating the Lands, Tenements, Hereditaments, or Heritages herein mentioned which are not to be charged according to the preceding General Rule.

The annual Value of all the Properties herein-after described shall be understood to be the full Amount for One Year, or the average Amount for One Year, of the Profits received therefrom within the respective Times herein limited: Manner of charging certain Properties, &c.

First.—Of all Tithes, if taken in Kind, on an Average of the Three preceding Years: Tithes in Kind.

Second.—Of all Dues and Money Payments in right of the Church or by Endowment, or in lieu of Tithes (not being Tithes arising from Lands), and of all Teinds in *Scotland*, on the like Average: Ecclesiastical Dues.

Tithes compounded.

Third.—Of all Tithes arising from Lands, if compounded for, and of all Rents, and other Money Payments in lieu of Tithes arising from Lands (except Rent-charges confirmed under the Act passed for the Commutation of Tithes), on the Amount of such Composition, Rent, or Payment for One Year preceding:

The said Duty in each Case to be charged on the Person entitled to such Tithes or Payments, or his Lessee or Tenant, Agent or Factor, except in the Cases mentioned in the Fourth Rule of No. IV. of Schedule (A.):

Manors.

Fourth.—Of Manors and other Royalties, including all Dues and other Services, or other casual Profits, (not being Rents or other annual Payments reserved or charged,) on an Average of the Seven preceding Years, to be charged on the Lord of such Manor or Royalty, or Person renting the same:

Fines.

Fifth.—Of all Fines received in consideration of any Demise of Lands or Tenements (not being Parcel of a Manor or Royalty demisable by the Custom thereof) on the Amount so received within the Year preceding by or on account of the Party; provided that in case the Party chargeable shall prove, to the Satisfaction of the Commissioners for General Purposes in the District, that such Fines, or any Part thereof, have been applied as productive Capital, on which a Profit has arisen or will arise otherwise chargeable under this Act, for the Year in which the Assessment shall be made, it shall be lawful for the said Commissioners to discharge the Amount so applied from the Profits liable to Assessment under this Rule:

Other Profits from Lands.

Sixth.—Of all other Profits arising from Lands, Tenements, Hereditaments, or Heritages not in the actual Possession or Occupation of the Party to be charged, and not before enumerated, on a fair and just Average of such Number of Years as the said Commissioners shall, on the Statement of the Party to be charged, judge proper, (except such Profits as may be liable to Deduction in pursuance of the Ninth or Tenth Rule in Number IV. herein-after mentioned,) to be charged on the Receivers of such Profits, or the Persons entitled thereto.

Manner of charging certain other Properties.

No. III.—Rules for estimating the Lands, Tenements, Hereditaments, or Heritages herein-after mentioned which are not to be charged according to the preceding General Rule.

The annual Value of all the Properties herein-after described shall be understood to be the full Amount for One Year, or the Average Amount for One Year, of the Profits received therefrom within the respective Times herein limited.

Quarries.

First.—Of Quarries of Stone, Slate, Limestone, or Chalk, on the Amount of Profits in the preceding Year:

Mines.

Second.—Of Mines of Coal, Tin, Lead, Copper, Mundic, Iron, and other Mines, on an Average of the Five preceding Years, subject to the Provisions concerning Mines contained in this Act:

Iron Works, &c.

Third.—Of Iron Works, Gas Works, Salt Springs or Works, Alum Mines or Works, Waterworks, Streams of Water, Canals, Inland Navigations, Docks, Drains, and Levels, Fishings, Rights of Markets and Fairs, Tolls, Railways, and other Ways, Bridges, Ferries, and other Concerns of the like Nature, from or arising out of any Lands, Tenements, Hereditaments, or Heritages, on the Profits of the Year preceding:

Duty in last Three Rules how to be charged.

The Duty in each of the last Three Rules to be charged on the Person, Corporation, Company, or Society of Persons, whether Corporate or not Corporate, carrying on the Concern, or on their respective Agents, Treasurers, or other Officers having the Direction or Management thereof, or being in the Receipt of the Profits thereof, on the Amount of the Produce or Value thereof, and before paying, rendering, or distributing the Produce or the Value, either between the different Persons or Members of the Corporation, Company, or Society engaged in the Concern, or to the Owner of the Soil or Property, or to any Creditor or other Person whatever having a Claim on or out of the said Profits; and all such Persons, Corporations, Companies, and Societies respectively shall allow out of such Produce or Value a proportionate Deduction of the Duty so charged, and the said Charge shall be made on the said Profits exclusively of any Lands used or occupied in or about the Concern:

Duty on Mines to be charged on the Company jointly, but any Adventurer may claim to be charged separately, in order to set off his Loss in one Concern against his Profits in another.

The Computation of Duty arising in respect of any such Mine carried on by a Company of Adventurers shall be made and stated jointly in One Sum; provided that if any Adventurer shall declare his Proportion or Share in such Concern, in order to a separate Assessment, it shall be lawful to charge such Adventurer separately, and nothing herein contained shall be construed to restrain any Adventurer so separately assessed from deducting or setting against his Profits acquired in One or more of such Concerns his Loss sustained in any other of the said Concerns, over and above the Profits thereof, provided that such Loss shall not exceed the Proportion of such Adventurer which shall have been duly proved by the Company in their Computation of Duty, and shall have been allowed by the respective Commissioners, and in every such Case One Assessment only shall be made on the Balance of such Profit and Loss of the Adventurer so separating his Account in the Parish or Place where such Adventurer shall be chargeable to the greatest Amount, and the Amount of each Person's Share so proved and allowed shall be deducted from the general Assessment of the Company or Companies to which such Adventurer shall belong, and the respective Commissioners shall cause the Assessments on the said Companies to be rectified as the Case may require; and the Certificate of the Commissioners making such separate Assessment shall be an Authority to the Commissioners acting in another District to cause the Assessments on the respective Companies to which such Assessment shall belong to be rectified; and in case such Loss shall arise in a different District than where such separate Assessment shall be to be made, the Certificate of the Commissioners acting for such other District of the Amount

of

of such Loss, and the Proportion of such Adventurer therein, shall be Proof of the Deduction to be made by the Commissioners making such Assessment.

No. IV.—Rules and Regulations respecting the said Duties.

First.—All Properties chargeable to the Duties in Schedule (A.) shall be charged in the Parish or Place where the same are situate, and not elsewhere, except as herein-after is excepted: To be charged in the Parish:

Provided that the Profits arising from Canals, Inland Navigations, Streams of Water, Drains, or Levels, or from any Railways or other Roads or Ways of a public Nature, and belonging to or vested in any Company of Proprietors or Trustees, whether Corporate or not Corporate, may be stated in one Account, and charged in the City, Town, or Place at or nearest to the Place where the general Accounts of such Concern shall have been usually made up; and it shall be lawful for the said Proprietors or Trustees, having paid the Duties so chargeable, either to deduct a just Proportion thereof from the Interest payable to the Creditors of the said Properties, or any of them, or to pay such Interest in full, without making any such Deduction; and it shall be lawful for the said Creditors to receive such Interest in full, and they shall not be liable thereupon to the Penalty herein-after contained: Except Canals, Railways, &c., which are to be charged where the general Accounts are made up. Duties may be deducted from Interest payable to Creditors.

Provided also, that the Profits arising from any Manor or Royalty which shall extend into different Parishes may be assessed in One Account in the Parish where the Court for such Manor or Royalty shall have been usually held: Provided also, that the Profits arising from all Fines received by the same Person, Body Politic or Corporate, or Company, may be assessed in One Account, where the Person to be charged under the Regulations of this Act shall reside: Manors extending into different Parishes, &c. where to be charged.

Second.—All Lands occupied by the same Person shall be brought into every Account thereof required to be delivered by such Person under this Act, whether the same shall be occupied by such Person as Owner or Tenant, or as Tenant under distinct Owners, or shall be situate in the same or in different Parishes or Districts, but the Charge thereon shall be in each Parish or District in proportion to the Value of the Property situate therein, of which Proportions the Occupier shall be required to deliver an Account in each Parish wherein any Part of such Lands is situate, and a separate Estimate shall be given of Lands in the same Occupation belonging to distinct Owners; and if any Occupier of Lands situate in different Parishes or Places shall wilfully omit to deliver an Account of the Lands so occupied in each Parish or Place, although such Occupier may not reside in One or more of such Parishes or Places, he shall be charged for the Lands so omitted at Treble the Rate contained in this Act, over and above the Penalty herein imposed: Lands in the same Occupation to be charged according to the Parishes, and Proportions in each Parish, and belonging to distinct Owners, to be stated.

Provided always, that Lands held under the same Demise, or in the Occupation of the same Person as Owner, although situate in different Parishes, but wholly in the same District of Commissioners, may be charged in either Parish, at the Discretion of the said Commissioners, if they shall be satisfied that the Proportion in each Parish, either in respect of Quantity, Rent, or Value of the said Lands, cannot be ascertained; and if the said Lands extend into different Districts of Commissioners, then the Assessment shall be made in that District where the Occupier of such Lands doth reside: Lands in different Parishes to be charged in either where the Proportions cannot be ascertained.

Third.—For any Dwelling House in the Occupation of a Tenant which, with the Buildings or Offices belonging thereto and the Land occupied therewith, shall be under the annual Value of Ten Pounds, and for all Lands and Tenements let to any Tenant for a less Period than One Year, the Assessment thereupon shall be made on the Landlord, but so as not to impeach the Remedy of Recovery of the Duty from the Occupier, in default of Payment by the Landlord: Houses under 10*l.* charged on Landlords.

Fourth.—For any Compositions, Rents, or other Payments in lieu of Tithes, the Assessment thereupon may, if the Commissioners think fit, be made on the respective Occupiers of the Lands from which such Tithes arise, or on the respective Persons liable to the Payment of such Compositions, Rents, or other Payments; and the said Commissioners may direct Notices to be delivered to such Persons respectively, for the Purpose of obtaining Returns of the Value of such Compositions, Rents, and Payments, subject to the like Penalties and under the Regulations of this Act for Returns of the annual Value of Lands: Tithes may be charged on Occupiers of Land.

Fifth.—If any Mine, enumerated in the Fifth Rule, No. III., of this Schedule, has, from some unavoidable Cause, been decreased and is decreasing in the annual Value thereof, so that the Average of Five Years will not give a fair and just Estimate of the annual Value thereof, it shall be lawful, after due Proof before the Commissioners for General Purposes in the District where such Mine shall be situate, to compute such annual Value on the actual Amount of such Profits and Gains in the preceding Year ending as aforesaid, subject to such Abatement on account of Diminution of Duty within the current Year as is herein provided in other Cases; and if any such Mine shall, from some unavoidable Cause, have wholly failed, it shall be lawful for the said Commissioners, on due Proof thereof, wholly to discharge any Assessment made thereon: Mines failing, how to be charged. If failed, the Assessment may be discharged.

Provided always, that whenever any such Mine shall be situate, or the Produce thereof shall be manufactured, in any Place other than where the Produce thereof shall be sold, the Profits arising therefrom shall be assessed and charged in the Parish and District where the said Mine is situate, or where the Produce thereof is manufactured, and not elsewhere: Mines to be charged where situate, or Produce manufactured.

Sixth.—If in estimating the Value of any of the Properties enumerated in No. II. or No. III. of this Schedule, as before mentioned, it shall appear that the Account required by the said Rules cannot be made out by reason of the Possession or Interest of the Party to be charged thereon having commenced within the Time for which the Account is directed to be made out, the Profits of One Year shall be estimated Duties in certain Cases to be estimated according to Profits accrued since Com-

mencement of Possession.

estimated in proportion to the Profits received within the Time elapsed since the Commencement of such Possession or Interest:

Houses of Foreign Ministers charged on Landlord.

Seventh.—The Duty to be charged under this Schedule, in respect of any House or Tenement occupied by any accredited Minister from any Foreign Prince or State, shall be charged and paid by the Landlord or Person immediately entitled to the Rent of the said House or Tenement:

Official Houses charged on the Occupiers.

Eighth.—The Duty to be charged in respect of any House, Tenement, or Apartment belonging to Her Majesty, in the Occupation of any Officer of Her Majesty, in right of his Office or otherwise, (except Apartments in Her Majesty's Royal Palaces,) shall be charged on and paid by the Occupier of such House, Tenement, or Apartment, upon the annual Value thereof:

Occupiers to recover from Landlord, according to the Rate, by deducting the Duty out of the Rent.

Ninth.—The Occupier of any Lands, Tenements, Hereditaments, or Heritages being Tenant of the same, and paying the said Duties, shall deduct so much thereof in respect of the Rent payable to the Landlord for the Time being (all Sums allowed by the Commissioners being first deducted) as a Rate of Seven-pence for every Twenty Shillings thereof would by a just Proportion amount unto, which Deduction shall be made out of the first Payment thereafter to be made on account of Rent; and the Receivers of Her Majesty, and all Landlords, both mediate and immediate, their respective Heirs, Executors, Administrators, and Assigns, according to their respective Interests, and their respective Receivers or Agents, shall allow such Deduction upon Receipt of the Residue of the Rent, under the Penalty herein contained; and the Tenant paying the said Assessment shall be acquitted and discharged of so much Money as if the same had actually been paid unto the Person to or for whom his Rent shall have been due and payable; and the Occupier of Lands charged on the Amount of any Composition, Rent, or Payment for Tithes arising therefrom, and paying the said Duties, shall be entitled to make the like Deduction from such Composition, Rent, or Payment, on paying the same:

Landlords may recover from others having Interest at the like Rate.

Tenth.—Where any such Lands, Tenements, or Hereditaments are subject or liable to the Payment of any Rent-charge, whether under the Act passed for the Commutation of Tithes, or otherwise, or any Annuity, Fee-farm Rent, Rent Service, Quit Rent, Feu Duty, Teind Duty, Stipends to licensed Curates, or other Rent or annual Payment thereupon reserved or charged, the Landlord, Owner, or Proprietor by whom any Deduction shall have been allowed as aforesaid, and the Owner or Proprietor being also Occupier and charged to the said Duties, shall deduct and retain out of every such Rent-charge, Annuity, Fee-farm Rent, Rent Service, Quit Rent, Feu Duty, Teind Duty, Stipend, or other Rent or annual Payment aforesaid, so much of the said Duties or Payments on account of the same, (the just Proportion of the Sums allowed by the Commissioners in the Cases authorized by this Act being first deducted,) as a like Rate of Seven-pence for every Twenty Shillings on such Rent-charge, Annuity, Fee-farm Rent, Rent Service, Quit Rent, Feu Duty, Teind Duty, or Stipend, or other Rent or annual Payment aforesaid, respectively, shall by a just Proportion amount unto; and the Receivers of Her Majesty, and all Persons who shall be anyways entitled unto such Rents, Duties, Stipends, or annual Payments, their Receivers, Deputies, or Agents, are hereby required to allow such Deduction, upon the Receipt of the Residue of such Monies as shall be due and payable for such Rents, Duties, or annual Payments, without any Fee or Charge for such Allowance, and under the Penalty herein contained; and the Landlord, Owner, Proprietor and Occupier respectively, being charged as aforesaid, or having allowed such Deduction, shall be acquitted and discharged of so much Money as if the same had actually been paid unto such Person to whom such Rent-charge, Annuity, Fee-farm Rent, Rent Service, Quit Rent, Feu Duty, Teind Duty, Stipend, or other Rent or annual Payment aforesaid, shall have been due and payable:

Mortgagees in possession liable.

Eleventh.—Where any Mortgagee or Creditor in any Heritable Bond or Wadset shall be in the Possession of the Lands, Tenements, Hereditaments, or Heritages mortgaged or secured, such Mortgagee or Creditor shall be chargeable as Occupier when in the actual Occupation of the same, and when not in the actual Occupation of the same shall be liable to such Deduction as any other Landlord would be; and upon the Settlement of Accounts between such Mortgagee or other Creditor as aforesaid, and the Mortgagor or Debtor, the Duty payable in respect of the Amount of the Interest payable upon such Mortage or other Debt as aforesaid shall be taken and allowed as so much Money received by such Mortgagee or other Creditor as aforesaid on account of such Interest:

Owner dying, how the Duty is to be paid.

Twelfth.—Where any Lands, Tenements, Hereditaments, or Heritages shall be occupied by the Owner at the Time the Assessment shall be made, who shall die before Payment of the Duty, the Heirs, Executors, Administrators, or Assigns, or other Person who on such Death may become entitled to the Rents and Profits thereof, shall be liable to the Payment of all Arrears of the said Duty due at the Time of such Death, and to all subsequent Instalments for that Year, according to their respective Interests, without any new Assessment:

Houses divided into distinct Properties.

Thirteenth.—Where any House shall be divided into distinct Properties, and occupied by distinct Owners or their respective Tenants, such Properties shall be charged distinct on the respective Occupiers:

Deductions not to be allowed, unless authorized by the Act, and an Account thereof delivered to the Assessor.

Fourteenth.—No Deduction from the Estimate or Assessment on any Lands, Tenements, Hereditaments, or Heritages shall be allowed in any Case not authorized by this Act, nor unless an Account in Writing, signed by the Occupier thereof, or by the Party claiming such Deduction, stating the Nature and Amount thereof, shall have been delivered to the Assessor within the Time and pursuant to the Notice delivered by such Assessor; and if any such Deduction shall be made or allowed contrary to this Act, or without such Account in Writing as aforesaid, it shall be lawful for the Surveyor or Inspector to surcharge the Assessment, and to charge therein a Sum equal to the Amount of Duty by which the Assessment

Assessment shall have been diminished on Occasion of such Deduction, which Surcharge shall not be annulled or vacated under any Pretence whatever, but shall stand Part of the Assessment.

No. V.—Particular Deductions and Allowances in respect of the Duties under Schedule (A.) — Deductions.

First.—For the Amount of the Tenths and First Fruits, Duties, and Fees on Presentations paid by any Ecclesiastical Person within the Year preceding that in which the Assessment shall be made: — Tenths, &c.

Second.—For Procurations and Synodals paid by Ecclesiastical Persons on an Average of Seven Years preceding that in which the Assessment shall be made: — Procurations, &c.

Third.—For Repairs of Collegiate Churches and Chapels, and Chancels of Churches, or of any College or Hall in any of the Universities of *Great Britain*, by any Ecclesiastical or Collegiate Body, Rector, Vicar, or other Person bound to repair the same, on an Average of Twenty-one Years preceding as aforesaid, or as nearly thereto as can be produced: — Repairs of Chancels.

Fourth.—For the Parochial Rates, Taxes, and Assessments charged upon or in respect of any Rent-charge confirmed under the Act passed for the Commutation of Tithes, on the Amount paid in the Year in which the Assessment shall be made: — Parochial Rates on Rent-charge for Tithes.

Fifth.—For the Amount of the Land Tax charged on Lands, Tenements, Hereditaments, or Heritages under the said Act passed in the Thirty-eighth Year of the Reign of King *George* the Third, where the Charge thereon shall not have been redeemed: — Land Tax.

Sixth.—For the Amount charged on Lands, Tenements, Hereditaments, or Heritages by a public Rate or Assessment in respect of draining, fencing, or embanking the same: — Drainage, &c.

In all which Cases there shall be allowed (unless such Payments, or any Part thereof, shall be made by a Tenant,) such Sum of Money as a like Rate of Seven-pence for every Twenty Shillings of the Sums paid would by a just Proportion amount unto; and the Sums so allowed shall be deducted from the Assessment to be made on the Property charged with such Payments, except in the Cases hereinafter otherwise provided for; (that is to say,) — Rate of Deduction.

Provided always, that the Allowances to be granted in pursuance of the First, Second, or Third Case may be granted to the Ecclesiastical or Collegiate Body, Rector, Vicar, or other Person aforesaid liable to the Charges therein mentioned, in One Sum, either by deducting the same from the Assessment upon him (if any), or by Certificate; provided that no Abatement or Deduction shall be made from any Assessment for the Allowances granted in pursuance of any of the Cases mentioned in this Rule in respect of any such Charges or Payments as aforesaid, payable out of any Rent-charge confirmed under the Act passed for the Commutation of Tithes, but such Allowances shall be granted by Certificate in the Manner herein-after directed. — Allowances to Ecclesiastical Bodies, &c. how to be made.

LXI. And be it enacted, That the Person entitled to any of the Allowances mentioned in the next preceding Rule, which are directed or authorized to be made by Certificate, and which shall not have been made by Deduction or Abatement from the Assessment, shall claim such Allowance at any Time after the Expiration of the Year of Assessment, before the Commissioners for General Purposes of the District in which the Property charged with the Payments and Charges mentioned in the said Rule shall be situate; and the said Commissioners, upon due Proof before them that the Claimant is entitled to such Allowance, shall certify the Particulars and Amount thereof to the Commissioners for Special Purposes at the Head Office for Stamps and Taxes in *England*, and thereupon the said last-mentioned Commissioners shall grant an Order for the Payment of such Allowance, directed to the Receiver General of Stamps and Taxes, or to an Officer for Receipt or Collector of the Duties granted by this Act, or to a Distributor or Sub-Distributor of Stamps, as may be most convenient for the Party entitled to such Allowance, and such Receiver General or Officer as aforesaid is hereby required, on Production and Delivery to him of such Order, to pay the Amount of such Allowance to the Party entitled thereto out of any Money in the Hands of such Receiver General or Officer arising from any Duties placed under the Management of the Commissioners of Stamps and Taxes, taking the Receipt of the Party entitled to such Allowance for the same, by Endorsement on such Order. — Mode of proceeding in order to the Payment of certain Allowances granted under No. V. Schedule (A.)

No. VI.—Allowances to be made in respect of the said Duties in Schedule (A.)

For the Duties charged on any College or Hall in any of the Universities of *Great Britain*, in respect of the public Buildings and Offices belonging to such College or Hall, and not occupied by any individual Member thereof, or by any Person paying Rent for the same, and for the Repairs of the public Buildings and Offices of such College or Hall, and the Gardens, Walks, and Grounds for Recreation repaired and maintained by the Funds of such College or Hall: — Allowances for Colleges and Halls in Universities;

Or on any Hospital, public School, or Almshouse, in respect of the public Buildings, Offices, and Premises belonging to such Hospital, public School, or Almshouse, and not occupied by any individual Officer or the Master thereof, whose whole Income, however arising, estimated according to the Rules and Directions of this Act, shall amount to or exceed One hundred and fifty Pounds *per Annum*, or by any Person paying Rent for the same, and for the Repairs of such Hospital, public School, or Almshouse, and Offices belonging thereto, and of the Gardens, Walks, and Grounds for the Sustenance or Recreation of the Hospitallers, Scholars, and Almsmen, repaired and maintained by the Funds of such Hospital, School, or Almshouse, or on any Building the Property of any Literary or Scientific Institution, used solely for the Purposes of such Institution, and in which no Payment is made or demanded for any Instruction there afforded, by Lectures or otherwise; provided also, — Hospitals, public Schools, Almshouses, and Literary Institutions.

also, that the said Building be not occupied by any Officer of such Institution, nor by any Person paying Rent for the same:

The said Allowances to be granted by the Commissioners for General Purposes in their respective Districts:

Rents of Lands belonging to Hospitals, public Schools, and Almshouses, or vested in Trustees for charitable Purposes.

Or on the Rents and Profits of Lands, Tenements, Hereditaments, or Heritages belonging to any Hospital, public School, or Almshouse, or vested in Trustees for charitable Purposes, so far as the same are applied to charitable Purposes:

The said last-mentioned Allowances to be granted on Proof before the Commissioners for Special Purposes of the due Application of the said Rents and Profits to charitable Purposes only, and in so far as the same shall be applied to charitable Purposes only:

The said last-mentioned Allowances to be claimed and proved by any Steward, Agent, or Factor acting for such School, Hospital, or Almshouse, or other Trust for charitable Purposes, or by any Trustee of the same, by Affidavit to be taken before any Commissioner for executing this Act in the District where such Person shall reside, stating the Amount of the Duties chargeable, and the Application thereof, and to be carried into effect by the Commissioners for Special Purposes, and according to the Powers vested in such Commissioners, without vacating, altering, or impeaching the Assessments on or in respect of such Properties; which Assessments shall be in force and levied notwithstanding such Allowances.

Special Commissioners to certify Allowances granted under No. VI., Schedule (A.), and order Payment thereof.

LXII. And be it enacted, That where any Allowance mentioned in Number VI. of the said Schedule (A.) shall be granted by the Commissioners for Special Purposes, under the Authority of this Act, they shall give a Certificate thereof, together with an Order for Payment of the same, directed to the Receiver General of Stamps and Taxes, or to an Officer for Receipt or Collector of the Duties granted by this Act, or to a Distributor or Sub-Distributor of Stamps in the Manner herein provided with respect to Allowances to be granted under Number V. of the said Schedule, and such Allowance shall in like Manner be paid to the Party entitled thereto.

Duties in Schedule (B.) and Rules deemed Part of the Act.

LXIII. And be it enacted, That the Duties hereby granted, contained in the Schedule marked (B.), shall be assessed and charged under the following Rules, which Rules shall be deemed and construed to be a Part of this Act, and to refer to the said last-mentioned Duties as if the same had been inserted under a special Enactment.

SCHEDULE (B.)

No. VII.—Rules for assessing and charging the Properties under Schedule (B.)

To be charged in addition to Schedule (A.) on the same Properties, except for Dwelling Houses, &c.

The Duties last before mentioned shall be charged in addition to the Duties to be charged under Schedule (A.) on all the Properties in this Act directed to be charged to the said Duties, according to the General Rule in Number I. Schedule (A.) before mentioned, on the full Amount of the annual Value thereof estimated as by this Act is directed (except a Dwelling House, and the domestic Offices thereunto belonging, and which Dwelling House and Offices shall not be occupied, by virtue of one and the same Demise, with a Farm of Lands for the Purpose of farming such Lands, or with a Farm of Tithes for the Purpose of farming the same; and except Warehouses or other Buildings occupied for the Purpose of carrying on a Trade or Profession); provided that in all Cases where Lands are subject to a Rent-charge in lieu of Tithes under the Act passed for the Commutation of Tithes, and in all other Cases where Lands in *England* are not subject to Tithes, or to any Modus or Composition Real in lieu thereof, there shall be deducted out of the Duties contained in this Schedule a Sum not exceeding One Eighth Part thereof; and in all Cases where such Lands are subject to a Modus or Composition Real, and not subject to any Tithes, there shall be deducted out of such Duties so much thereof as, together with the like Rate on such Modus or Composition Real, shall not exceed One Eighth Part of such Duties as aforesaid; and in all Cases where such Lands are subject to a Modus or Composition Real in lieu of certain specific Tithes, and also are subject to certain other specific Tithes, or where such Lands are free of certain specific Tithes, and are subject to certain other specific Tithes, the annual Value of such Lands shall, for the Purpose of charging the Duties under this Schedule, be estimated at the Rack Rent at which the same would let by the Year if wholly free from Tithes, and there shall be deducted therefrom the Amount or Value of One Eighth of the said Duties chargeable on the said Estimate, as in Cases of Tithe-free Lands: Provided also, that any Person being Lessee and Occupier of Tithes or Teinds taken in Kind, or being the Occupier of the Lands from whence such Tithes or Teinds shall arise, and compounding for the same, shall be charged in respect of the Occupation at the Rate of Two-pence for every Twenty Shillings of the annual Value thereof, estimated as aforesaid: Provided also, that the several Properties herein-after described in Number VIII. shall be assessed and charged in manner therein mentioned.

One Eighth to be deducted from Rent of Tithe-free Lands in England.

Lessees and Occupiers of Tithes to pay Two-pence for every Twenty Shillings.

No. VIII.—Rules for estimating the Properties herein-after next mentioned under Schedule (B.)

Nurseries, Market Gardens, and Hop Grounds.

The Profits arising from Lands occupied as Nurseries or Gardens for the Sale of the Produce, and Lands occupied for the Growth of Hops, shall be estimated according to the Rules contained in Schedule (D.), and the Duty shall be charged at the Rate contained in the said Schedule; and when the said Duty shall have been so ascertained, the same shall be charged under Schedule (B.) as Profits arising from the Occupation of Lands, except where the Lands so occupied for the Growth of Hops shall be Part of a Farm held under One Demise, or by the same Person as Owner, and shall not exceed One Tenth Part of such Farm, in which Case the Duty thereon under this Schedule shall be charged together in One Sum as for a Farm by the said General Rule in Schedule (A.) mentioned.

No.

No. IX.—Rules for charging the said Duties under Schedules (A.) and (B.)

First.—The said Duties, except where other Provisions are made as aforesaid for estimating particular Properties, shall be estimated according to the General Rule contained in Schedule (A.), and shall be charged on and paid by the Occupier for the Time being, his Executors, Administrators, and Assigns: To be paid by the Occupier.

Second.—Every Person having the Use of any Lands or Tenements shall be taken and considered, for the Purposes of this Act, as the Occupier of such Lands or Tenements: Who deemed Occupiers.

Third.—The said several Duties shall on each Assessment thereof be levied on the Occupier for the Time being without any new Assessment, notwithstanding any Change in the Occupation thereof: Provided that every Tenant on quitting the Occupation shall be liable for the Arrears at the Time of so quitting, and for such further Portion of Time as shall then have elapsed, to be settled and levied by the respective Commissioners, and repaid to the Occupier by whom the same shall have been paid; and the Executors or Administrators of any Tenant who shall die before the Payment of such Assessment shall be liable in like Manner as the Testator or Intestate would have been if living: Provided also, that every Tenant quitting before the Time of making the Assessment shall be liable for such Portion of the Year as shall have elapsed at the Time of his so quitting, to be adjusted and settled by the respective Commissioners. Assessment to be levied on the Occupier. How paid on Change of Occupation.

No. X.—Rules for estimating the annual Value of Properties before described in Schedules (A.) and (B.) or either of them.

First.—Where any Landlord shall be subject to any Covenant or Agreement to pay or satisfy out of the Rent reserved on any Lands or Tenements, any Parochial Rates, Taxes, or Assessments which by Law are a Charge on the Occupier, or any Composition for Tithes; or where any Rector, Vicar, or other Person entitled to any Rent or other annual Payment to be made in lieu of Tithes, (except a Rent-charge confirmed under the Act passed for the Commutation of Tithes,) or any Composition for Tithes, shall pay or satisfy out of the Amount thereof any such Parochial Rates, Taxes, or Assessments charged on such Tithes, Rent, Composition, or other annual Payment aforesaid, then and in every such Case the annual Value shall be estimated for the Purposes of this Act exclusive of such Rates, Taxes, or Assessments, and of such Composition for Tithes, to be computed on the Amount thereof *bonâ fide* paid by such Landlord or other Person aforesaid in and for the Year preceding the Year of Assessment; or where the Owner shall be also Occupier of such Lands or Tenements, and shall have paid any Parochial Rates, Taxes, or Assessments charged on the same, or any Composition for Tithes thereon, then the said annual Value shall be also estimated exclusive of such Rates, Taxes, and Assessments and Composition for Tithes, to be computed in like Manner as aforesaid: Tenant's Rates and Taxes paid by Landlord to be deducted from the Rent.

Second.—Where any Tenant of Lands or Tenements shall be subject to any Covenant or Agreement to pay or satisfy any Aids, Taxes, Rates, or Assessments by Law chargeable on or payable by the Landlord, the Amount thereof which shall have been *bonâ fide* paid by such Tenant in and for the Year preceding the Year of Assessment shall, in making the Estimate for the Purpose of charging the Duty in respect of Occupation, be added to the Rent reserved, in case the same shall have been let within the Period of Seven preceding Years, and if not so let, the Estimate shall be made according to the general Rule in Schedule (A.), with the like Addition thereto of the Amount of such Payment: Landlord's Rates and Taxes paid by Tenant to be added to the Rent.

Third.—Where the Amount of Rent of Lands or Tenements reserved in Money shall depend in the Whole or in Part on the Price of Corn or Grain, the Estimate for the Purpose of charging the Duties in Schedule (A.) shall be made on the Amount payable according to the Average Prices or Fiars fixed in the Year preceding the Year appointed for Payment of the Duty, and in the same Manner by which such Rents have usually been ascertained between the Landlords and Tenants; but where the Whole or a Part of the Rent shall be reserved in Corn or Grain, then the said Estimate shall be made on the like Average Price or Fiar computed on the Quantity of Corn or Grain delivered or to be delivered in the Year appointed for Payment of the Duty; or where such Computation cannot be made, the Estimate aforesaid may be made on the annual Value of such Lands estimated according to the said General Rule: Amount of Rent depending on Price of Corn or Grain, how to be ascertained.

Fourth.—Where the Amount of Rent reserved on Lands or Tenements shall depend on the actual Produce thereof, either in respect of the Price or Quantity of such Produce, the Estimate for the Purpose of charging the Duties in Schedule (A.) shall be made on the Amount or Value of such Produce in the Year preceding the Year appointed for Payment of the Duty, according to the Prices fixed and according to the Quantity produced in that Year, by the same Rules and in the same Manner by which such Rents have usually been ascertained between the Proprietors and their Lessees or Tenants, and where the Prices or Fiars shall vary in the Two Years of Assessment, or the Amount of Produce shall vary in those Years, the Assessment shall, on Appeal or Surcharge, be rectified accordingly: Amount of Rent depending on Produce.

Fifth.—Every Estimate of such Property in *Scotland* shall be made without reference to the Cess or Tax Roll or valued Rents heretofore used in *Scotland*, or any Stent thereon, and shall be made according to the General Rule contained in Schedule (A.) to the best of the Belief and Judgment of the Commissioners, Assessors, and others employed in charging the said several Duties. In Scotland the Estimate to be according to the General Rule in Schedule (A.)

LXIV. And be it enacted, That upon every Account of the annual Value of the several Properties aforesaid, to be charged under Schedules (A.) and (B.) delivered in manner before directed to the Assessor, he shall make an Assessment of the said Property on the Amount of the Sum ascertained by such Account, if he shall be satisfied with such Amount; but if he shall not be satisfied therewith, or if no Assessment of Lands and Tenements, on what Amount to be made by the Assessor.

no such Account shall have been returned, or if the Occupier or other Person aforesaid shall not be resident within the Limits of the District of such Assessor, and no such Return shall have been made, then the said Assessor shall estimate, to the best of his Judgment, the annual Value of the said Property of which no sufficient Account shall have been delivered, and make an Assessment of the same accordingly; and in doing so it shall be lawful for such Assessor in every Case relating to Lands or Tenements to be estimated according to the said General Rule by the annual Value thereof, where such annual Value cannot be otherwise ascertained, and he is hereby required in every such Case, to make such Assessment according to the following Rules; (*videlicet,*)

Where the annual Value cannot be otherwise ascertained.

No. XI.

To be made on the same Sums if rated to the Poor on full Value.

First.—Where the last Rate made for the Relief of the Poor in any Parish or Place shall be made throughout by a Pound Rate on the annual Value, as the same would be estimated according to Schedule (A.), the Assessment thereon to be made under this Act shall be made on the same Sums respectively as in such Rate:

To be increased to full Value if made on proportionate Sums.

Second.—Where the said Rate shall be made throughout by such Pound Rate on any proportionate Part of the annual Value as aforesaid, the Proportion thereof shall be observed as in the said Rate, but the Assessment thereon to be made under this Act shall be made at the same Sums respectively as they would have been estimated at if the said Rate had been made on the full Amount of such annual Value:

If in different Proportions, the Rate for Lands to be the Guide throughout.

Third.—Where Properties of different Kinds shall be rated in the said Rate according to different Proportions of the Value thereof as aforesaid, or shall be rated therein at different Rates of such Value, but nevertheless the Properties of the same Kind shall be rated in a due Proportion to each other, both as to the Value and Rate of Charge, in every such Case the Rule of rating Lands, both as to the Value and the Rate of Charge, shall, in making the Assessment under this Act, be observed throughout, as well with respect to such Lands as to the other Properties therein rated, so far as relates to such Rates as shall be made either on the full Value of the Properties or on any proportionate Part thereof:

Where the Proportions of the Rate are not known.

Fourth.—In all Cases not falling within the Three preceding Rules, but nevertheless where the Properties shall appear to the Assessor to be rated in the said Rate in the same Proportion to each other, though the Proportion of such Rate to the Value of the Property rated be not known, and the Assessor is able to ascertain the Rack Rent of all or any of the Properties which shall have been so let within the Period of Seven Years preceding within the Limits of the Parish or Place where the said Assessors shall act, he shall make an Estimate of such Properties on the Amount of such Rents respectively, and the Amount contained in the Estimates so made shall form the Basis on which the Estimates of other Properties, of which the Rack Rent shall not have been so ascertained, shall be made, and he shall make his Estimate of all other Property in a Sum bearing the same Proportion, as near as the same can be computed, to the Amount of such first Estimates, as the Sums at which all such other Properties of which the Rent has been so ascertained are valued at in such Rate bear to the Sum charged in the said Rate on the said Properties first estimated; and he shall apportion the Sum so estimated on such other Properties in the same Proportion, as near as the same can be computed, as they are respectively rated at in such Rate, and shall make his Assessment under this Act accordingly; and in Cases where the same Rule of Proportion shall not have been observed in rating different Kinds of Property, then the Assessor shall make an Estimate as above directed upon each of such Kinds of Property for the Purpose of forming a Basis on which the Estimates of other Properties of the same Kind may be made.

Assessor allowed to estimate Dwelling Houses, &c. under 10*l.* without a Return.

LXV. Provided always, and be it enacted, That where any Dwelling House or Tenement, together with the Offices, Gardens, and Lands occupied therewith, or any Lands separately occupied, shall be under the annual Value of Ten Pounds, and the Assessor shall be able to estimate the said Value, either by the Rules before mentioned, or from his own Knowledge, or otherwise, it shall be lawful for him to estimate such Property accordingly, to the best of his Judgment, and to make an Assessment thereon, without requiring a Return of the annual Value as aforesaid, unless the Surveyor or Inspector shall object to such Estimate, and shall require a Notice for that Purpose to be delivered; and if any Assessor, not having given such Notice, shall neglect to estimate the true annual Value of the said Properties, and to assess the same according to this Act, he shall forfeit any Sum not exceeding Ten Pounds.

Assessors may make their Assessments of Lands on the Production of the Lease by the Tenant, according to the reserved Rent.

If such Lease shall be bonâ fide at Rack Rent.

LXVI. And be it enacted, That in case any Tenant at Rack Rent shall produce to the Assessor the Lease or Agreement in Writing under which he immediately holds any Premises to be charged as aforesaid, according to the General Rule, the Production of which Lease or Agreement every such Assessor is hereby authorized to demand whenever the same shall appear to him necessary; and in case it shall appear by such Lease or Agreement that the same Premises shall have been let within the Period of Seven preceding Years, and no other Consideration in Money than the Rent reserved shall be contained in such Lease or Agreement, it shall be lawful for such Assessor to make his Assessment according to such Rent, any thing before contained to the contrary notwithstanding; but such Assessment shall not be binding, in case it shall appear to the Commissioners that the said Lease or Agreement doth not express the full Consideration, whether in Money or Value, for the Demise, or the Rent *bonâ fide* paid for the same, or that the Rent reserved is less than the Rack Rent on Occasion of Repairs or Improvements done or to be done by the Lessee or Assigns, or is made in any other respect with Intent to conceal the annual Value of such Premises, or to diminish the Estimate to

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be made thereon, or hath been assigned to such Tenant, or any former Tenant, for any Consideration in Money or Value paid or agreed to be paid: Provided always, that regard shall be had to the Cases before mentioned, where the Amount of the reserved Rent shall be increased by reason of any Covenant or Agreement by the Landlord to discharge the Tenant's Taxes, Rates, Assessments, or Duties before mentioned, or where the same shall be decreased by reason of any Covenant or Agreement by the Tenant to discharge the Landlord's Taxes, Rates, or Assessments, or on Occasion of any Expences incurred or to be incurred by the Lessee or Assigns, whether mentioned or not mentioned in such Lease or Agreement, and to the Deductions to be made on account of any Aid or public Rate or Assessment before described: Provided also, that upon every Demise for Years of Lands made or to be made in consideration of a Rent reserved, and also in consideration of certain Improvements to be made in the Lands demised at the proper Cost and Charge of the Lessee or Tenant, if it shall be proved to the Satisfaction of the Commissioners for General Purposes acting for the Division where such Lands are situate that the Rent reserved hath been settled on the Estimate of the medium annual Value of the said Lands, computed on an Average for the whole Term granted in expectation of the progressive Improvement of the said Farm at the Cost and Charge of the said Lessee or Tenant, and the said annual Rent is fixed and made payable to the same Amount in each Year on the said Average, whereby the said Rent so estimated and made payable did or doth exceed the just annual Value of the said Lands as the same were or are worth to be let at Rack Rent at the Commencement of the Term granted by the said Demise, then and in such Case the Estimate of the annual Value of the said Lands, and the Assessment thereupon, shall be made and computed according to the following Rules; (that is to say,) in regard that the Rent reserved hath been settled on a fair Average of the annual Value of the said Lands computed on the whole of the Term so granted, the said Commissioners, on due Proof of the Circumstances before mentioned, shall cause the said Duty payable in respect of the Property in the said Lands to be computed and charged on the Amount of the Rent so reserved and made payable as aforesaid, for each Year of Assessment, without Variation, during the said Term, subject nevertheless to such Deductions as by this Act are allowed; and the said Commissioners shall also cause the said Duty payable in respect of the Occupation of the said Lands to be computed and charged on the full and just Value of the said Lands, to be ascertained at the Times and in manner herein-after mentioned; (that is to say,) on all such Demises made before the passing of this Act, the annual Value of the said Lands shall be the Rack Rent at which the same are worth to be let by the Year, to be ascertained at the Commencement of the First Year of Assessment after the passing of this Act, by a Valuation to be made thereof under the Powers and according to the Directions herein contained, and to the Satisfaction of the said Commissioners, which Valuation shall be in force for the Term limited for the Continuance of this Act, if the said Demise shall not sooner expire; and the Amount ascertained by such Valuation shall be deemed to be the Rack Rent at which the said Lands are worth to be let for the said Term, if the said Demise shall not sooner expire, and the Assessment thereupon shall in each Year of the said Term be made on the said Valuation; and on all such Demises to be made after the passing of this Act the annual Value of the said Lands shall be the Rack Rent at which the same are worth to be let by the Year, to be ascertained at the Commencement of the said Demise by a like Valuation to be made thereof in manner aforesaid.

Rules to be observed in assessing Land at reserved Rent, and for Improvement.

LXVII. And be it enacted, That in case any Tenant at Rack Rent under any parol Demise from Year to Year, within the Period mentioned in the said General Rule, or any Tenant who, by reason of any Mortgage or other Contract, shall not have the Custody or Possession of or the Power over any Lease or Agreement in Writing under which he holds the Premises demised within the said Period, and who shall give reasonable Proof to the Commissioners why he is unable to produce the same, shall deliver to the Assessor an Account in Writing signed by such Tenant of the actual Amount of the annual Rent reserved on such Demise, such Account so delivered shall be deemed a Compliance with this Act, in all Cases where he may be called upon under the Authority of this Act to produce such Lease or Agreement; and it shall be lawful for such Assessor to make his Assessment according to such Rent, any thing before contained to the contrary notwithstanding; but such Assessment shall not be binding in case it shall appear to the said Commissioners that the said Account doth not express the full Consideration for such Demise, or the Rent *bonâ fide* paid for the same, or that the Rent reserved is less than the Rack Rent on Occasion of any Payments as aforesaid made or to be made by such Tenant, or is made in any other respect with Intent to conceal the annual Value of the Premises held under such Demise, or to diminish the Assessment to be made thereon: Provided always, that Lands held for a longer Period than Seven Years by any Tenant under a Demise from Year to Year, or at Will, shall be estimated and assessed at the annual Value thereof, unless the Tenant shall show and prove to the Satisfaction of the said Commissioners that the same Lands are held under a Demise which commenced by Agreement made and a Rent fixed within the Period of Seven Years, on the Determination of the former Demise thereof, by due Notice within the said Period.

Tenants at Rack Rent under a parol Demise, or not able to procure Leases, to deliver an Account of the Value.

Lands held under a Tenancy from Year to Year, or at Will, how to be rated.

LXVIII. And be it enacted, That every Person who shall wilfully deliver any such Account as aforesaid which shall be false, or who shall wilfully refuse, neglect, or omit to produce any Lease or Agreement with Intent to conceal the annual Value of the Premises therein comprised, or to diminish the Estimate to be made thereon, shall forfeit the Sum of Twenty Pounds, and shall be liable to be charged in Treble the Duty hereby directed to be charged as aforesaid, computed on the annual Value of the Premises held under such Demise estimated according to this Act; and the Inspector and Surveyor are hereby

Penalty on Tenants delivering false Accounts of or concealing the Value of the Premises.

hereby respectively required to surcharge the same, and the Commissioners are required to make an Assessment accordingly.

Tenants in Scotland to produce their Leases on Notice;

LXIX. And be it enacted, That every Tenant of Lands, Tenements, or Heritages in *Scotland* shall, within Ten Days after the Assessor shall have left at his usual Place of Abode, or at any Dwelling House or other Place on the Premises to be charged with the Assessment, a Note in Writing requiring the same, produce to such Assessor the Tack or Lease or other Agreement or Articles in Writing, under which such Tenant holds such Lands or Tenements, or where the same shall not be in the Power, Custody, or Possession of such Tenant, or there shall be no such Tack, Lease, or Agreement or Articles, then he shall leave with such Assessor, or at his Dwelling House, within the Time before mentioned, a Note in Writing of the actual Rent annually reserved and payable, and of any other valuable Consideration given or to be given to the Landlord of such Lands and Tenements as a further Consideration for such Tenancy, under the Penalty of Treble the Duty hereby chargeable thereon, in case of any wilful Neglect to comply with such Notice; and it shall be lawful for such Assessor to make his Assessment on the Production of such Lease or Agreement or Articles, according to the Rent therein reserved and made payable; and in case of Non-production of such Lease or Agreement or Articles in Writing, then upon the Rent reserved or made payable, according to the Account thereof delivered as aforesaid, if he shall be satisfied that the said Lands, Tenements, or Heritages have been *bonâ fide* let at the reserved Rent notified to him as aforesaid, without other valuable Consideration; but in case such Assessor shall not be satisfied with the Notification given to him, or in case no such Notification shall be given, then such Assessor shall make the Assessment as directed in the foregoing Rules: Provided always, that if the Farm occupied by such Tenant shall be distant more than Ten Miles from the Dwelling House of such Assessor, it shall be competent to such Tenant to lodge his Lease or Note in Writing of the Rent with the nearest Justice of the Peace, or with the Clergyman of the Parish where the Farm is situated; and the said Justice of the Peace or Clergyman respectively shall be obliged to show the said Lease or Note of the Rent to the said Assessor when required.

or leave them with a Justice of Peace, or Clergyman in a certain Case.

All Properties to be assessed whether occupied or not.

LXX. And be it enacted, That the said several Duties shall be assessed on all Lands, Tenements, and Hereditaments, whether occupied at the Time of Assessment or not; and so far as respects the Duties chargeable under Schedule (A.), in case any Lands charged to the said Duties shall be unoccupied, and no Distress can be found on the same at the Time such Duties shall be payable, it shall be lawful for the Collector of the Parish or Place where the said Lands are situate for the Time being, at any Time after, to enter upon the said Lands when there shall be any Distress thereupon to be found, and the Distress to seize and sell, under the like Powers as he might have distrained on the same Lands if in the Occupation of such Person at the Time the Duties became due: Provided always, that the said Duties, or either of them, shall not be levied on any House which shall be or become unoccupied for such Year, or Portion of the Year, as the same shall be unoccupied, but the Assessment thereupon for such Year, or Portion of the Year, as aforesaid, shall, upon Appeal, be discharged or diminished by the Commissioners, on due Proof of the Time during which such House remained unoccupied.

Assessments on Houses to be discharged for the Period they are unoccupied.

Mode of levying the Duties charged on Tithes.

LXXI. And be it enacted, That where by any Assessment the Duties shall be charged on Tithes or Teinds, and the same shall not be paid within the respective Times limited by this Act, it shall be lawful for the Collector and Officer respectively to distrain upon such Tithes or Teinds, or any other Goods or Chattels of the Owner of such Tithes or Teinds, wherever the same can be found, and to seize, take, and sell so much thereof as shall be sufficient for levying the said Assessment, under and subject to the like Powers granted by the said Acts relating to the Duties of Assessed Taxes in other Cases.

Mode of levying the Duties on Compositions for Tithes, or on Manors or Royalties, Markets, Fairs, Tolls, Fisheries, &c.

LXXII. And be it enacted, That when any Assessment shall be charged on any Composition for Tithes or Teinds, or any Rent or Payment in lieu thereof, the Occupier of the Lands and Premises charged with such Composition, Rent, or Payment shall be answerable for the Duties so charged, and may deduct the same out of the next Payment on account thereof; and where any Assessment shall be charged on the Profits of Manors or Royalties, or of Markets or Fairs, or on Tolls, Fisheries, or any other annual or casual Profits not distrainable, the Owner or Occupier, or Receiver of the Profits thereof shall be answerable for the Duties charged thereon, and may retain and deduct the same out of such Profits; and in every such Case the Collector shall distrain upon such Persons respectively by any of the Ways and Means prescribed by the said Acts relating to the Duties of Assessed Taxes.

Contracts between Landlords and Tenants or other Persons not to be binding contrary to this Act.

LXXIII. Provided always, and be it enacted, That no Contract, Covenant, or Agreement between Landlord and Tenant, or any other Persons, touching the Payment of Taxes and Assessments to be charged on their respective Premises, shall be deemed or construed to extend to the Duties charged thereon under this Act, nor to be binding contrary to the Intent and Meaning of this Act; but that all such Duties shall be charged upon and paid by the respective Occupiers, subject to such Deductions and Repayments as are by this Act authorized and allowed; and all such Deductions and Repayments shall be made and allowed accordingly, notwithstanding such Contracts, Covenants, or Agreements.

Assessors to make their Assessments, and deliver them with the Returns to the Commissioners.

LXXIV. And be it enacted, That the respective Assessors shall make their Assessments on all Lands, Tenements, and Hereditaments, or Heritages, within the Limits of those Places for which they are to act, and shall set down therein the full and just annual Value of all such Lands and Premises estimated in each particular Case, according to the Directions of this Act, together with the Names and Surnames of the Occupiers and Proprietors thereof, and shall deliver the same, together with all Returns which shall have been made to them, as well of such annual Value as of any Deduction claimed to be made therefrom, to the said Commissioners for General Purposes, such Returns being first progressively numbered; and

whenever

whenever the said Assessors shall not be able to make their Assessments according to the Provisions of this Act, or shall be obstructed therein, it shall be lawful for them to make Application to the said Commissioners, or to any Inspector or Surveyor, who shall severally instruct such Assessor in making his Assessments, and assist him in the Execution of this Act, according to the Powers and Authorities hereby vested in them respectively.

Assessors to apply to Commissioners and Surveyors for Instructions.

LXXV. And be it enacted, That the Assessors to be appointed for the said Duties in *England* shall, at the Time of bringing in their Assessments if required so to do by any Surveyor or Inspector of the said Duties, or by the respective Commissioners, give Notice to the Overseers of the Poor of the Parish or Place where they shall act, to produce or cause to be produced to the said Commissioners the Book or Books, or a true Copy thereof, in which shall have been entered the Rates made for the Relief of the Poor of such Parish or Place, and also a true Copy of the last Rate made for the Relief of the Poor in such Parish or Place, and such Overseers shall without fail produce such Book or Books to the said Commissioners, or deliver the same to the said Inspector or Surveyor, for their Use, and the said Assessors shall declare in Writing, signed by them, whether the said Rates are made on the full Value of the Properties therein, or on any and what proportionate Part thereof, to the best of their Knowledge and Belief; and the said Commissioners shall, in case the said Surveyor or Inspector shall allege and show to the Satisfaction of the said Commissioners that the said Assessments or any of them have not been made according to the Directions of this Act, examine the said Assessors, and also the Overseers of the Poor for the same Parish or Place, or any of them, being duly summoned for that Purpose, on their Oaths, touching the Proportions between the said Rates and the Value of the Properties charged therein, and whether the Properties, or any and which of them, have been valued therein at the Amount or at any and what Proportion of the annual Value thereof respectively, and what ought to be the just Proportion between the Rates on the different Properties therein charged, if the Amount of the Values thereof, and the same Proportion between the Rates, had been observed throughout the Rate, and also what Property shall have been omitted to be rated, and which of the Properties in the Parish or Place shall be entitled to be assessed on the Profits or on an Average of the Profits according to this Act; and the said Inspector or Surveyor shall carefully examine the Assessments made by the same Assessors with the last Rate made for the Relief of the Poor, in order that he may the better ascertain whether the said Assessments have been made on all the Properties situate in each Parish, and according to the Directions prescribed by this Act, and from the Result of the said Inquiries may rectify the same in any Particulars which in his Judgment may be requisite before the Commissioners allow and sign such Assessment as herein directed; and in so doing may pursue, if he think fit, the Rules in Number XI. of this Act before mentioned, relating to the said Rates for Relief of the Poor.

Assessors, on bringing in their Assessments, shall, if required, give Notice to Overseers of the Poor to produce the Rate Books.

Commissioners may examine Assessors and Overseers touching the making of the Assessments.

Inspector or Surveyor may rectify Assessments if not duly made.

LXXVI. And be it enacted, That the several Commissioners, Inspectors, Surveyors, and Assessors acting respectively in the Execution of this Act, or any Person authorized by them respectively, shall have Liberty from Time to Time, and at all seasonable Times, to inspect and take Copies of or Extracts from any Book kept by any Parish Officer or other Person, of or concerning the Rates made for the Relief of the Poor, or any other public Taxes, Rates, or Assessments, in any Place within the Limits for which they shall be appointed, without the Payment of any Fee whatever; and if any Person in whose Custody or Power any of the said Books shall be shall refuse or neglect to permit the said Inspection, or the Copies or Extracts to be made as aforesaid, or to attend the said Commissioners with any such Book when required so to do in pursuance of this Act, such Person so offending shall forfeit any Sum not exceeding Twenty Pounds nor less than Five Pounds.

Commissioners and Officers may inspect public Rate Books, and take Copies or Extracts.

Penalty for Refusal to permit such Inspection.

LXXVII. And be it enacted, That it shall be lawful for the Assessors in each Parish or Place in *Scotland*, and they are hereby required, to take to their Assistance the Schoolmaster in such Parish or Place, for the Purpose of making such Assessments of the Lands and other Premises within their respective Limits; and at the Time of bringing in their Assessments they shall make Oath of the Truth of the same, and that such Assessments are made according to the best of their Skill and Judgment, and shall submit to be examined on Oath before the said Commissioners in all Matters and Things concerning the said Assessments which the said Commissioners shall require for their Information.

Assessors in Scotland to be assisted by the Schoolmasters, and to be examined concerning their Assessments.

LXXVIII. And be it enacted, That in Cases where the Occupier or other Person chargeable shall, upon due Notice under this Act, omit to produce an Account in Writing as aforesaid of the Amount of the annual Value of the Property in his Occupation, estimated according to the General Rule in Schedule (A.), or such other Rules in the said Schedule as are applicable to such Property, or shall have delivered an Account with which the Commissioners shall be dissatified, the several Assessors, Inspectors, and Surveyors, having first obtained an Order in that Behalf, signed by the said Commissioners, and taking to their Assistance such Person or Persons of Skill as shall be named in such Order, shall, after Two Days Notice to the Occupier, have full Power, at all seasonable Times in the Daytime to view and examine any Lands or other Property chargeable, in order to make a Survey thereof, or otherwise to ascertain the annual Value at which the same ought to be charged by virtue of this Act, and for so doing shall have Liberty to enter upon any Lands or Grounds, whether inclosed or not, and to value the same, and to measure and survey the same if they cannot otherwise ascertain the annual Value thereof.

Assessors and other Officers to view and survey Lands by Order of the Commissioners.

LXXIX. And be it enacted, That within a reasonable Time after the respective Surveyors and Inspectors shall have had the Examination of the Assessments delivered by the Assessors, the Commissioners shall proceed to take the same into consideration, and in case the Surveyor or Inspector shall not have objected thereto, and the said Commissioners shall be satisfied that the said Assessments have been made

Commissioners to allow and sign Assessments not objected to, and made to their Satisfaction.

made truly and without Fraud, and so as to charge the several Properties contained therein with the full Duty which ought to be charged upon them respectively, the said Commissioners shall allow and sign such Assessments: Provided always, that in case the Surveyor or Inspector shall object to any such Assessment, and shall apply for a Revision thereof, suggesting in Writing to the Commissioners any Error, Mistake, or Fraud in making the same, it shall be lawful for the said Commissioners, according to the best of their Judgment, to rectify such Assessment, so that the Duty may be fully charged, according to the Intent and Meaning of this Act.

On Objection taken, the Commissioners may rectify Assessments.

Amount of Assessments and Day of Appeal to be notified.

LXXX. And be it enacted, That so soon as the Assessments for any Parish or Place under Schedules (A.) and (B.) shall be allowed and signed as aforesaid the Commissioners shall cause Notice thereof and of the Day for hearing Appeals therefrom to be given in such Manner as they shall judge expedient, which Notice may be given, either by delivering a Copy of such Assessment to the Assessor of such Parish or Place, for the Inspection of the Parties charged thereby, together with a public Notice of the Day of Appeal, to be affixed on or near to the Church Door or on any other public Place in the Parish, or by delivering to each Party charged the Amount of his Assessment, together with a Note of the Day of Appeal, and such Notices shall be made and given at least Fourteen Days before the Day of Appeal so fixed.

The Value of Lands may be ascertained by actual Valuation by Order of the Commissioners.

By whom the Costs of such Valuation are to be paid.

LXXXI. And be it enacted, That if upon Appeal any Dispute shall arise touching the annual Value of any Lands, Tenements, Hereditaments, or Heritages, and the Commissioners shall deem it necessary that a Valuation thereof should be taken and made by any Person of Skill, it shall be lawful for them to direct the Appellant to cause such Valuation to be made by any Person to be named by the said Commissioners, the Costs and Charges whereof shall abide the final Determination of the said Commissioners, and it shall be lawful for them to make an Assessment according to such Valuation, and to require the same to be verified on the Oath of the Person making the same; but in case the Appellant shall not proceed with effect to cause such Valuation to be made as aforesaid, the said Commissioners shall make an Assessment according to the best of their Judgment: Provided always, that it shall be competent to the said Commissioners, in every such Case where the Valuation so made shall exceed the Value put upon the same Lands, Tenements, Hereditaments, or Heritages by the Appellant, to direct the Costs and Charges attending the same to be paid by him; but if they shall be of opinion that such Costs and Charges have not been incurred through any Default of the said Appellant, they shall direct the same to be paid by the Collector of the Parish or Place, who, on the Certificate of the Commissioners present at the Time of the Determination, shall pay the same, and the Sum so paid shall be allowed to such Collector in his Accounts with the proper Officer for Receipt, on delivering to him such Certificate, together with the Receipt and Voucher for such Payment.

In case of Appeal, Occupier showing Lease, or if no Lease, proving his annual Rent, the Commissioners may reduce the Rate.

Where Lands are assessed at less than the Value, the Assessment may be rectified.

LXXXII. Provided always, and be it enacted, That if on Appeal the Occupier of any Premises held under a Demise at Rack Rent shall produce and show to the Commissioners the Lease, Tack, or Agreement in Writing, or shall prove by any lawful Evidence to be produced on his Part, in case there shall be no such Lease, Tack, or Agreement in Writing, the annual Amount of the Rent at which such Premises are let, it shall be lawful for the said Commissioners, in case such Rent hath been fixed by Agreement commencing within the Period of Seven Years mentioned in the said General Rule, and they shall be satisfied that such Lease, Tack, or Agreement doth express the full Consideration for the Demise under which such Occupier shall hold the same, or that the Rent *bonâ fide* paid by such Occupier for the same hath been duly shown to them in Evidence, and that such Demise is made wholly in consideration of such reserved Rent, without any Intention to conceal or diminish the annual Value of such Premises, or other fraudulent Intention whatever, to abate and deduct from such Assessment so much as in their Judgment will reduce the Rate to a just Rate on such Rent: Provided always, that if it shall appear to the said Commissioners that any Lands, Tenements, Hereditaments, or Heritages shall have been assessed at an annual Value less than the actual Rent at which the same shall be let, or (if not let) at less than the Rent at which the same might be let, it shall be lawful for the said Commissioners to enlarge and increase such Assessment to such Sum as a like Rate on such Rent would amount unto, as well with respect to the Rate on the Property as the Rate on the Occupation of such Lands, Tenements, Hereditaments, or Heritages.

Relief to be granted to Occupiers and Owners for Losses caused by Flood or Tempest.

LXXXIII. And be it enacted, That whenever by any Flood or Tempest Loss shall be sustained on the growing Crops, or on the Stock on Lands demised to a Tenant at a reserved Rent, without Fine or other Sum paid, given, or contracted for in lieu of a reserved Rent, or any Part thereof, or the said Lands, or any Part thereof, shall by such Flood or Tempest be rendered incapable of Cultivation for any Year, and it shall be proved on Oath to the Satisfaction of the Commissioners for General Purposes acting for the Division where the said Lands are situate, that the Owner of the said Lands hath in consideration of such Loss abated or agreed to abate to his Tenant the Whole or any Proportion of the Rent reserved or payable by such Tenant for any Year of such Demise, it shall be lawful for the said Commissioners to abate in the Assessment made in respect of the Property in the said Lands for the same Year for which such Rent hath been abated, and to discharge therefrom the Whole or the like Proportion of Duty as the said Owner shall appear on such Proof as aforesaid to have abated of or from the Rent reserved and made payable to him on such Demise; and it shall also be lawful for the said Commissioners in every such Case to abate in the Assessment made in respect of the Occupation of the said Lands for the same Year, and to discharge therefrom the like Proportion of Duty as shall have been abated or discharged from the Assessment made in respect of the Property on the said Lands for the Cause aforesaid.

LXXXIV. And

The like Relief extended to Occupiers and Owners where the Owners are incapable of consenting to Abatement of Rent.

LXXXIV. And be it enacted, That whenever from the Cause aforesaid the like Loss shall be sustained on the Lands of any Infant, Idiot, Lunatic, or other Proprietor incapable of consenting to any Abatement in the Rent as aforesaid, being in the Occupation of any such Tenant as aforesaid, and the same shall be proved on Oath before the said Commissioners to their Satisfaction, it shall be lawful for them to abate in the Assessment made in respect of the Occupation of the said Lands, and to discharge the Whole or any Part of the said Duty, and in proportion to the Loss so sustained, and to the Amount which the said Commissioners shall be of opinion would or ought to have been abated as aforesaid, if the said Lands had belonged to a Proprietor of full Age and of sound Mind, and capable of such Consent as aforesaid.

Abatement of Assessment in case of Losses on Lands in the Occupation of Owners.

LXXXV. And be it enacted, That whenever from the Cause aforesaid the like Loss shall be sustained on Lands in the Occupation of the Owner, and the same shall be proved on Oath before the said Commissioners to their Satisfaction, it shall be lawful for them to abate in the several Assessments made in respect of the Property in or Occupation of the said Lands, and to discharge the Whole or any Part of the said respective Duties, and in proportion to the Loss so sustained, and to the Amount which the said Commissioners shall be of opinion would or ought to have been abated as aforesaid if the said Lands had been demised to a Tenant, and a proportionate Abatement had been made to such Tenant under the Circumstances of the said Loss.

Penalty for making false Claim for such Abatement.

LXXXVI. And be it enacted, That if any Person shall be guilty of making any false Claim for such Abatement as aforesaid, or shall be guilty of any Fraud or Contrivance in making such Claim, or in obtaining any such Abatement, or shall fraudulently or untruly declare the Amount or Value of such Loss, or the Amount or Value of any Abatement made or agreed to be made in the Rent of the Lands in his Occupation, on account of such Loss, with Intent fraudulently to obtain any such Abatement, he shall forfeit the Sum of Fifty Pounds, and Treble the Amount of Duty charged on him in respect of the said Lands; and if the Owner of any such Lands, or any other Person whatever, shall aid, abet, or assist any Person charged to the said Duties in making such false or fraudulent Claim, or shall fraudulently or untruly declare the Amount or Value of any Abatement made or agreed to be made in the Rent of the said Lands or the Amount of such Loss, with Intent fraudulently to obtain for himself, or for his Tenant, or for the Owner or Tenant of the said Lands, any such Abatement as aforesaid, every such Owner or other Person aforesaid shall forfeit the Sum of One hundred Pounds.

First Assessment under Schedules (A.) and (B.) to remain in force for Three Years;

LXXXVII. And be it enacted, That the First Assessment to be made after the Fifth Day of *April* One thousand eight hundred and forty-two, of the Duties chargeable under either of the Schedules marked (A.) or (B.) of this Act, shall be and remain in force for the Space of Three Years, without requiring Returns from the Parties charged therein for the Second or Third Year of such Assessment, and without altering the Names of the Parties charged, notwithstanding a Change in the Occupation or Interest of or in the Premises charged in such Assessment may have happened; and the like Sums shall be levied thereon for the Second and Third Years respectively as shall or ought to have been levied thereon for the First Year, and the Assessment shall be subject to the like Exemptions and Allowances for the Second and Third Years respectively as were granted for the First Year; and the Amount charged in such Assessment shall be paid by Four Instalments in each Year, on the Days and Times herein specified for Payment of such Instalments, subject nevertheless to be varied and altered in the following Cases; (*videlicet,*)

unless the Party be under-rated or omitted, or have obtained an Exemption to which he is not entitled;

First.—If the Inspector or Surveyor shall find or discover that any Person hath been under-rated in such Assessment, or omitted to be charged therein for the First Year, or hath obtained an Exemption or Allowance for the First Year which ought not to be allowed for the Second or Third Year, it shall be lawful for such Inspector or Surveyor to surcharge such Assessment for the Second or Third Year, in like Manner in all respects as he is authorized to surcharge the Assessment under the like Circumstances for the First Year of Assessment, provided that such Surcharge shall be made in the single Duty, and no Increase shall be made thereon above the Rate of Duty hereby granted, unless the Commissioners shall be of opinion that the Assessment for the First Year was, in the Particular surcharged, deficient through the wilful Default or Neglect of the Party to be charged:

or a Person not chargeable in the First Year become so subsequently;

Second.—If any Person not chargeable in the First Year of Assessment shall become chargeable in the Second or Third Year it shall be lawful for the Assessor, Inspector, or Surveyor to require the like Returns, and to proceed to the Assessment of such Person in like Manner for the Second or Third Year, as if the whole Assessment of the Parish, Place, or District had commenced in that Year:

or in case of Appeal.

Third.—If any Person shall find himself aggrieved by the Continuance of such Assessment for the Second or Third Year, by occasion of his being over-rated therein, he may appeal from the same in that Year on delivering Ten Days Notice of such his Intention to the Inspector or Surveyor, together with a true and perfect Schedule of the annual Value of the Property charged on him for that Year, in like Manner as he might have appealed against the same Assessment under the like Circumstances for the First Year, and no Payment on such Assessment for the First or Second Year shall be construed to preclude such Appeal; provided that for any vexatious Appeal without reasonable Cause it shall be lawful for the Commissioners to award reasonable Costs for the Attendance of the Inspector, Surveyor, or Assessor to be added to the Assessment and levied therewith for the Use of such Inspector, Surveyor, or Assessor, and which shall be paid to them respectively in like Manner as any other Payments under this Act may be made to them:

Assessment may be collected in the Second and Third Year

Fourth.—It shall be lawful for the respective Collectors to levy and gather the Assessment for the Second and Third Years respectively on the Occupiers for the Time being by the same Rate or Book which shall

by the Book delivered for First Year.

shall have been delivered to them for the First Year, unless the Commissioners shall revoke the Appointment of the said Collectors, or shall alter or vary the Assessments, and deliver to them a new Rate or Book for the Second or Third Year:

Commissioners Duplicates to be made for each Year.

Fifth.—The Duplicates of the Commissioners shall be made for each Year, and delivered to the proper Officer for Receipt and at the Head Office for Stamps and Taxes, containing the like Particulars for the Second and Third Years respectively as are herein required for the First Year of Assessment, varying only the Amounts therein to be specified if the Case shall require the same; and all the Powers, Regulations, Matters, and Things contained in this Act for rectifying any Assessment, or increasing or diminishing the Duty according to Circumstances, or for levying the same, shall be in force for the Second and Third Years respectively, in respect of the Sums to be levied in those respective Years, and shall be applied in those respective Years, as fully and effectually as if the Assessment had been made for those Years respectively under the Directions and Regulations of this Act.

Duties in Schedule (C.) and Rules deemed Part of this Act.

LXXXVIII. And be it enacted, That the Duties hereby granted, contained in the Schedule marked (C.), shall be assessed and charged under the following Rules, which Rules shall be deemed and construed a Part of this Act, and to refer to the said last-mentioned Duties, as if the same had been inserted under a special Enactment.

Sched. (C.) *Rules.*

SCHEDULE (C.)

Rules for assessing and charging the Duties under Schedule (C.)

By whom to be paid.

The said last-mentioned Duties shall be paid by the Persons and Corporations respectively intrusted with the Payment of the Annuities, Dividends, and Shares of Annuities, therein charged, on behalf of the Persons, Corporations, Companies, or Societies entitled thereto, their Executors, Administrators, Successors, or Assigns, and shall be assessed by the Commissioners hereby authorized or appointed for those Purposes; and shall extend to all public Annuities whatever payable in *Great Britain* out of any public Revenue in *Great Britain* or elsewhere, and to all Annuities payable in *Ireland* out of the Revenue of the United Kingdom, to or for the Use or Benefit of any Person not resident in *Ireland*, and also to all Dividends and Shares of such Annuities respectively which shall become payable after the Fifth Day of *April* One thousand eight hundred and forty-two, except in the following Cases of Exemption from the said Duties; *viz.*

To what Stock the Duty extends.

Stock of Friendly Societies exempted.

First.—The Stock, Dividends, or Interest of any Friendly Society legally established under any Act of Parliament relating to Friendly Societies; provided it shall appear by the Rules of any such Society deposited or to be deposited with the Commissioners for the Reduction of the National Debt, or with the Trustees of any Savings Bank, that the Sums assured by any such Society to any Individual, or to any Person nominated by or to claim under him, shall not exceed the Sum of Two hundred Pounds, or the Amount of any Annuity or Annuities granted or to be granted by any such Society to any Individual, or to any Person nominated by or to claim under him, shall not exceed the Sum of Thirty Pounds *per Annum*: Provided also, that when any Property belonging to any such Society shall be invested in the public Securities in the Bank of *England*, the said last-mentioned Property shall be duly claimed and proved by any Trustee or Treasurer of any such Society, or by any Member thereof, before the said Commissioners for Special Purposes:

Stock of Savings Banks exempted.

Second.—The Stock or Dividends of any Savings Bank established or to be established under the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, arising from Investments with the Commissioners for the Reduction of the National Debt; and also the Dividends or Interest payable by the Trustees of any Savings Bank upon any Funds therein deposited belonging to any Depositor or to any charitable Institution:

Stock of charitable Institutions exempted.

Third.—The Stock or Dividends of any Corporation, Fraternity, or Society of Persons, or of any Trust established for charitable Purposes only; or which according to the Rules or Regulations established by Act of Parliament, Charter, Decree, Deed of Trust, or Will, shall be applicable by the said Corporation, Fraternity, or Society, or by any Trustee, to charitable Purposes only, and in so far as the same shall be applied to charitable Purposes only; or the Stock or Dividends in the Names of any Trustees applicable solely to the Repairs of any Cathedral, College, Church, or Chapel, or any Building used solely for the Purpose of Divine Worship, and in so far as the same shall be applied to such Purposes, provided the Application thereof to such Purposes shall be duly proved before the said Commissioners for Special Purposes by any Agent or Factor on the Behalf of any such Corporation, Fraternity, or Society, or by any of the Members or Trustees:

Stock in the Name of the Treasury or of the Commissioners for Reduction of the National Debt.

Fourth.—The Stock or Dividends transferred to the Accounts in the Books of the Bank of *England* in the Name or under the Description of the Lord High Treasurer of *England* or of the Commissioners of Her Majesty's Treasury, or the Commissioners for the Reduction of the National Debt, in pursuance of any Act or Acts of Parliament; provided that the Governor and Company of the Bank of *England* shall from Time to Time cause to be transmitted to the said Commissioners for Special Purposes an Account of the total Amount of Stock which shall have been transferred to the said respective Accounts, also the Payments to be made by the Commissioners for the Reduction of the National Debt on account of the *Waterloo* Subscription Funds:

Stock belonging to Her Majesty, or to

Fifth.—The Stock or Dividends belonging to Her Majesty, in whatever Name the same may stand in the Books of the Bank of *England*, and also the Stocks or Dividends of any accredited Minister

of

of any Foreign State resident in *Great Britain*, provided the Property thereof shall, if standing in the Name of any Trustee, be duly proved before the said Commissioners for Special Purposes by such Trustee. accredited Ministers.

LXXXIX. And for the assessing and charging of the said Annuities payable to the Company of the Bank of *England* and to the *South Sea* Company respectively, at the Receipt of the Exchequer as aforesaid, and the Profits attached thereto respectively, and also for the assessing and charging of all Annuities payable by the Commissioners for Reduction of the National Debt, and the Dividends and Shares of all other Annuities, payable out of any public Revenue, which are or shall be intrusted for Payment to the Companies of the Bank of *England* and *South Sea* respectively; be it enacted, That the respective Companies, Corporations, and Commissioners having the Distribution or Payment of the said several Annuities, Dividends, and Shares shall from Time to Time, as often as the Payments thereon shall become due, deliver to the respective Commissioners, appointed for the Purpose of assessing the Duties thereon as aforesaid, true and faithful Accounts in Writing, in Books to be provided for that Purpose, of the several Amounts of such Annuities and Profits attached to the same, which shall be paid to the said Companies respectively, in respect of their Corporate Stock, and of such Dividends and Shares of Annuities as shall be intrusted to any of such Companies, Corporations, or Commissioners, for Payment to the Persons, Corporations, and Companies entitled thereto, and the Amount of Duty chargeable thereon at the Rate before directed, without Deduction on any Pretence whatever, except as herein is allowed, distinguishing therein the separate Account of each Person, Corporation, Company, and Society entitled unto any Part, Dividend, or Share of such Annuities respectively, as the same shall stand in the Books of the said respective Companies, or at the said Exchequer, in such Manner as that the Part, Dividend, and Share of each Person, Corporation, Company, and Society, of or to such Annuities respectively, may be distinctly charged and assessed to the said Duty; and the said respective Commissioners shall from Time to Time make an Assessment of the Duty which shall appear to be chargeable on the Accounts so delivered to the best of their Judgment and Belief, and shall from Time to Time deliver the said Books of Assessments, signed by them respectively, to the said Commissioners for Special Purposes; and the said Commissioners for Special Purposes shall forthwith cause Two Certificates on Parchment to be made out, under their Hands and Seals, containing the total Amounts of Duty, and of the Annuities, Dividends, and Shares whereon the said Duty shall have been charged contained in each Assessment, together with the proper Title or Description of the Corporation, Company, or Persons having the Distribution or intrusted with the Payment of such Annuities, Dividends, and Shares respectively; and they shall transmit one of such Certificates to the respective Commissioners for making such Assessments, and the other Certificate to the Head Office for Stamps and Taxes in *England*. The Bank of England and South Sea Companies and the Commissioners of the National Debt to deliver Accounts of the Annuities payable to and by them respectively to the Commissioners for assessing the same.

XC. And for the assessing and charging of the Annuities, Dividends, and Shares of Annuities payable by the Governor and Company of the Bank of *Ireland* out of the public Revenue of the United Kingdom to Persons not resident in *Ireland*, be it enacted, That in every Case in which Payment of any such Annuities, Dividends, and Shares of Annuities as last aforesaid shall be demanded or applied for by any Attorney, Agent, Trustee, or other Person for or on the Behalf or for the Use or Benefit of any Person not resident in *Ireland*, the Person demanding or applying for the Payment of such Annuities, Dividends, or Shares of Annuities, before receiving the same, shall (whether he shall be required to do so by the said Governor and Directors of the said Bank or not) deliver to the Cashier of the said Bank a Declaration, signed by such Applicant, containing a Statement of the Amount and Description of the Stock in respect of which such Annuities, Dividends, or Shares are payable, and the Name and Place of Abode of every Person for whom, or on whose Behalf, or for whose Use or Benefit, such Applicant requires the Payment thereof, and declaring whether or not such last-mentioned Person was resident in *Ireland*, within the Intent and Meaning of this Act, at the Time when such Annuities, Dividends, and Shares respectively became payable; and in every Case in which Payment of any such Annuities, Dividends, or Shares of Annuities shall be demanded or applied for by any Person for or on the Behalf of any other Person, under or by virtue of any Letter or Power of Attorney, or other delegated Authority, the said Governor and Directors, or the Cashier or other Officer of the said Bank, having the Payment of any such Annuities, Dividends, or Shares of Annuities, shall, before paying the same, require such Declaration and Statement to be made and delivered as herein-before directed; and if the Person demanding or applying for such Payment shall refuse to make or sign and deliver such Declaration and Statement, on being required to make and deliver the same as aforesaid, the Person for whom or on whose Behalf he shall demand or apply for such Payment shall be deemed to be not resident in *Ireland*, and such Annuities, Dividends, or Shares of Annuities shall be charged accordingly with the Duties granted by this Act: Provided always, that no Person (other than a Member of either House of Parliament entitled to be exempted from the Duties of Assessed Taxes under the Provisions in that Behalf contained in the Acts relating to the said last-mentioned Duties) shall be deemed to be resident in *Ireland*, within the Intent and Meaning of this Act, who shall have been absent from *Ireland*, at one Time or several Times, for a Period equal in the whole to Six Months or more during the Space of One Year immediately preceding the Day on which such Annuities, Dividends, and Shares shall respectively have become payable. Persons receiving Annuities or Dividends payable at the Bank of Ireland on behalf of Non-residents to deliver a Declaration. Bank to require a Declaration where Annuities, &c. are receivable under a Power of Attorney. On Refusal, Parties, &c. to be deemed not resident in Ireland. Proviso.

XCI. And be it enacted, That whenever it shall appear by any such Declaration or Statement as aforesaid that any such Annuities, Dividends, or Shares of Annuities are payable by the said Governor and Company of the Bank of *Ireland*, to or for the Use or Benefit of any Person not resident in *Ireland*, and also whenever any Person applying for Payment of any such Annuities, Dividends, or Shares of Annuities shall refuse to make or sign and deliver such Declaration and Statement, on being required to make Commissioners to make Assessments of Duties on Annuities and Dividends payable at the Bank of Ire-

land to Persons not resident in Ireland.

make and deliver the same as aforesaid, the Commissioners herein-before appointed for that Purpose shall assess and charge the Duties hereby granted upon and in respect of all such Annuities, Dividends, and Shares of Annuities, and shall make out and transmit their Certificates of such Assessments in like Manner as is herein-before provided with respect to the Assessments to be made by the Commissioners appointed for assessing and charging the Duties on Annuities payable out of the Revenue of the United Kingdom in *England;* and in all other Cases where any such Annuities, Dividends, or Shares of Annuities shall be payable by the said Governor and Company to or for the Use or Benefit of any Person not resident in *Ireland,* but which shall not be assessed and charged by the said Commissioners in the Manner herein-before directed, by reason of the Fact of such Non-residence not having been made to appear to them in manner aforesaid, such Annuities, Dividends, and Shares which have been received or become payable in the preceding Year, shall be accounted for in *Great Britain* by the Person entitled thereto, or beneficially interested therein, and shall be charged and assessed under the Rules and Regulations of Schedule (D.) of this Act, whether the same shall be received in *Great Britain* or not.

Penalty for omitting to make a Declaration on receiving Annuities or Dividends in Ireland on behalf of Persons not resident there.

XCII. And be it enacted, That if any Person shall receive of the Governor and Company of the Bank of *Ireland* any Annuity, Dividend, or Share of Annuity payable out of the public Revenue of the United Kingdom, for or on the Behalf of or for the Use or Benefit of any Person not resident in *Ireland,* without previously delivering to the Cashier of the said Bank the Declaration and Statement by this Act directed to be delivered in such Case, or if any Person shall make, sign, or deliver any Declaration or Statement which shall not truly set forth the Name and Place of Residence of the Person, and of every Person for whom, or on whose Behalf, or for whose Use or Benefit, he shall apply for Payment of any such Annuity, Dividend, or Share of Annuity as aforesaid, the Person who shall neglect or omit to deliver such Declaration and Statement as aforesaid, or who shall make, sign, or deliver any untrue Declaration or Statement, shall be liable to the Payment to Her Majesty of Treble the Amount of the Duty chargeable on such Annuity, Dividend, or Share of Annuity; and if any Person shall wilfully and fraudulently omit to deliver such Declaration and Statement, or shall wilfully make, sign, or deliver any false Declaration or Statement, or shall make or practise any fraudulent Contrivance or Device whatever, with Intent to defraud Her Majesty of the Duty chargeable under this Act on any such Annuity, Dividend, or Share of Annuity as aforesaid, he shall forfeit the Sum of One hundred Pounds, over and above Treble the Amount of the said Duty.

Penalty for fraudulent Declaration or Device to evade the Duty.

Companies to set apart and retain Sums assessed.

XCIII. And be it enacted, That the respective Corporations, Companies, and Persons entitled unto such Annuities and Profits attached thereto, or intrusted with the Payment of the Annuities, Dividends, or Shares of such public Annuities as are herein-before described, shall, on Notice of the Amount of each Assessment, from Time to Time to be made as aforesaid (which Notice shall be given from Time to Time, as and when the Annuities, Dividends, and Shares aforesaid shall become payable, and before Payment thereof), set apart and retain the Amount of Duty so assessed for the Purposes of this Act; and every such setting apart and retaining of the said Duties shall be deemed a Payment thereof by and on the Behalf of the Persons, Corporations, and Companies entitled unto the said Annuities, Dividends, and Shares respectively; and all Persons, Corporations, and Companies entitled to such Annuities or Profits attached thereto or to any Part thereof, or to such Dividends or Shares of Annuities as aforesaid, are hereby required, on Receipt of the Residue of the said Annuities, Profits, Dividends, and Shares, over and above the Duty so assessed, to allow such Payments in respect of the said Assessments; and the Corporations and Persons having the Distribution of such Annuities, or intrusted with such Payments, shall be and are hereby acquitted and discharged of so much Money, as if the same had actually been paid unto the Persons to whom such Annuities, Profits, Dividends, and Shares did or might belong, or were by Law payable.

Monies set apart to be paid into the Bank.

XCIV. And be it enacted, That all Monies so set apart at the Bank of *England,* the Bank of *Ireland,* and the *South Sea* House respectively, and by the Commissioners for the Reduction of the National Debt, as before directed, shall be paid from Time to Time into the Account to be kept at the Bank of *England* with the Receiver General of Stamps and Taxes, as herein-after directed, accompanied with a Certificate of the Amount of the Assessment under which the same shall be so paid, under the Hands of Two or more of the Commissioners making such Assessment; and the Governor and Company of the Bank of *England* shall also cause the Amount of such Assessment as shall from Time to Time be charged on the Trading Profits of the said Company to be paid into the said Account.

How small Dividends shall be charged.

XCV. Provided always, and be it enacted, That in respect of any of the Annuities, Dividends, and Shares of Annuities, chargeable under Schedule (C.) by the respective Commissioners for those Purposes, it shall not be required of them to make an Assessment for any Amount or Payment, where the half-yearly Payment on such Annuities, Dividends, or Shares shall not amount to Fifty Shillings, but that the Annuities, Dividends, and Shares whereof the half-yearly Payment shall not amount to Fifty Shillings shall be accounted for and charged under the Third Case of Schedule (D.) by which Profits of an uncertain annual Value are directed to be charged: Provided also, that no Person shall be required to return any Statement of the Profits of such Annuities, Dividends, or Shares, the half-yearly Payment whereof shall amount to Fifty Shillings or more, and which are herein-before directed to be assessed in manner aforesaid, or be liable to any Penalty for not returning the same, but all such Dividends and Shares whereof the half-yearly Payment shall not amount to Fifty Shillings, and which shall be paid without such Assessment, shall be duly returned in the Manner before directed, under the Penalty before contained.

XCVI. And

Persons intrusted with the Payment of Colonial Annuities shall deliver Accounts thereof.

XCVI. And be it enacted, That every Person (other than the Governor and Company of the Bank of *England*, the Directors of the *East India* Company, and the Commissioners for the Reduction of the National Debt,) intrusted with the Payment of Annuities, or any Dividends or Shares of Annuities, payable out of the public Revenue of any Colony or Settlement belonging to the Crown of the United Kingdom, to any Persons, Corporations, or Companies in *Great Britain*, or acting therein as Agent, or in any other Character before described, shall, without further Notice or Demand thereof, deliver or cause to be delivered into the Head Office for Stamps and Taxes in *England* an Account in Writing containing their Names and Residences, and a Description of the Annuities, Dividends, and Shares intrusted to them for Payment, within One Calendar Month after the same shall have been required by public Notice in the *London Gazette*, and shall also, on Demand by the Inspector authorized for that Purpose by the Commissioners of Stamps and Taxes, deliver or cause to be delivered to him, for the Use of the said Commissioners for Special Purposes, true and perfect Accounts of the Amount of Annuities, Dividends, and Shares payable by them respectively; and the said Commissioners for Special Purposes shall make an Assessment thereon under Schedule (C.) at the Rate before prescribed, subject to Diminution on occasion of any Exemptions to be allowed by the said Commissioners for Special Purposes, giving Notice of the Amount thereof to the respective Persons intrusted with such last-mentioned Payments, who shall respectively pay the Duty on the said Annuities, Dividends, and Shares, on behalf of the Persons, Corporations, and Companies entitled unto the same, out of the Monies in their Hands; and they shall be acquitted of such Payments in like Manner, and the like Proceedings in all respects shall be had under the said Commissioners for Special Purposes, as are before directed in respect of Annuities payable out of the public Revenue of the United Kingdom: Provided always, that the Persons intrusted with such Payment shall from Time to Time pay the Duty so assessed thereon into the Bank of *England*, to the Account to be kept at the Bank of *England* as aforesaid with the Receiver General of Stamps and Taxes, and shall be answerable for such Payment, and which Duty so assessed shall, in default of such Payment, be recoverable against the Persons respectively intrusted with such Payments as other Duties charged on the Parties may be recovered against them; and if any Person intrusted with the Payment of any such last-mentioned Annuities, or any Dividends or Shares thereof, in the Manner herein mentioned, or acting therein as Agent, or in any other Character herein described, shall neglect or refuse to deliver an Account of his Name and Residence in the Manner herein directed, or, after Demand, shall neglect or refuse to deliver an Account as aforesaid of the Amount of such Annuities, Dividends, and Shares as he is intrusted with the Payment of, or in the Payment of which he shall act as Agent, or in any other Character herein described he shall forfeit the Sum of One hundred Pounds, over and above the Duties chargeable on such Annuities, Shares, or Dividends.

Commissioners for Special Purposes to make Assessments thereon.

Securities issued at the Exchequer or other public Office, and India Bonds, to be charged under Schedule (C.)

XCVII. And be it enacted, That any Interest payable out of the public Revenue on Securities issued or to be issued at the Exchequer or other public Office, by whatever Names such Securities shall be called, shall be charged to the said Duties under the Rules contained in Schedule (C.) by the Commissioners for assessing the Profits of Offices in the said Exchequer or other Office aforesaid at which the same shall be made payable, and the Interest payable by the *East India* Company on the Bonds issued or to be issued by them shall be charged to the said Duties under the like Rules by the Commissioners hereinbefore appointed for that Purpose, which said Commissioners respectively shall execute this Act, in relation to the Profits arising from such Securities and Bonds as aforesaid, in like Manner as the Commissioners appointed by this Act are empowered to assess the Profits arising from Annuities payable out of the public Revenue in other Cases; and the said Commissioners respectively hereby authorized to execute this Act in relation to such Securities and Bonds as aforesaid shall appoint Assessors and Collectors of the said Duties arising from such Securities and Bonds from and amongst the Officers intrusted with the Payment or Discharge of such Securities and Bonds, who shall respectively at the Time of Payment or Discharge thereof compute the Duty thereon, and after such Computation shall enter the same in a Certificate of Assessment, and certify the same to the proper Officer appointed for the Payment or Discharge of such Securities and Bonds, which Officer is hereby empowered to stop and detain the said Duty, and to pay the same into the Bank of *England* to the Credit of the Receiver General of Stamps and Taxes, in discharge of such Assessment; and every Person receiving or purchasing any such Security or Bond in circulation, with current Interest thereon, shall be entitled and is hereby empowered to deduct from such Interest the Proportion of Duty which will become chargeable thereon, in like Manner and under the like Powers and Penalties as may be done in other Cases of Payment of Interest, and as if such current Interest were then due and charged to the said Duty; and the like Computation and Assessment shall be made whenever a new Security or Bond shall be issued in discharge of any former Security or Bond, with Interest, or in discharge of Interest due on any former Security or Bond; and the Person receiving such new Security or Bond in exchange for any former Security or Bond, with Interest, or for such Interest, shall pay to the proper Officer at the Time of receiving such new Security or Bond the full Duty computed on the Interest payable on the said former Security or Bond.

Claims of Exemption to be made to the Commissioners for Special Purposes according to following Rules.

XCVIII. Provided always, and be it enacted, That all Claims of Exemption under any of the Rules contained in Schedule (C.) from the said Duties on Annuities, Dividends and Shares of Annuities payable out of the Revenue of the United Kingdom, shall be made to the Commissioners for Special Purposes at the Head Office for Stamps and Taxes in *England*, according to the following Rules; *videlicet*,

First.—Every Claim shall be made in Writing, in such Form as the Commissioners of Stamps and Taxes shall direct, and the said Commissioners for Special Purposes shall require the same to be verified on

the Affidavit of every such Person as they shall think necessary, such Affidavit to be made as before directed in all Cases cognizable before the said Commissioners, and they shall have Authority to demand and require, from every such Person as they shall think proper to be examined touching such Claim, true Answers upon Oath, to be made as before directed, to all such Questions as they shall think material in such Claim:

Second.—Whenever the Commissioners for Special Purposes shall have allowed any such Exemption, they shall give an Order for Payment of the Sums retained for the Duties on such Annuities, Dividends, and Shares, in respect of which they shall have allowed such Exemption, to the respective Claimants, or to the Attornies or Agents who shall have been authorized to receive the said Annuities, Dividends, and Shares, on behalf of the said Claimants; and such Payment shall be made in like Manner as is herein-before provided with respect to Allowances to be granted under Number V. of Schedule (A.) of this Act.

Penalty for fraudulently claiming Exemptions of Stock.

XCIX. And be it enacted, That if any Person shall, with Intent to defraud Her Majesty, falsely or fraudulently make any Claim to be exempted, either in his own Behalf or any other, from the Duty charged on such Annuities, or any Dividends or Shares thereof, contrary to the Intent of this Act, every such Person shall forfeit the Sum of One hundred Pounds, and if such Claim shall be made by any Person in his own Behalf he shall moreover be liable to be assessed in Treble the Duty to be charged on the said Annuities and Shares.

Duties in Schedule (D.) and Rules deemed Part of the Act.

C. And be it enacted, That the Duties hereby granted, contained in the Schedule marked (D.), shall be assessed and charged under the following Rules, which Rules shall be deemed and construed to be a Part of this Act, and to refer to the said last-mentioned Duties, as if the same had been inserted under a special Enactment.

SCHEDULE (D.)

To what the Duty extends, and by whom to be paid.

The said last-mentioned Duties shall extend to every Description of Property or Profits which shall not be contained in either of the said Schedules (A.), (B.), or (C.), and to every Description of Employment of Profit not contained in Schedule (E.), and not specially exempted from the said respective Duties, and shall be charged annually on and paid by the Persons, Bodies Politic or Corporate, Fraternities, Fellowships, Companies, or Societies, whether Corporate or not Corporate, receiving or entitled unto the same, their Executors, Administrators, Successors, and Assigns respectively.

Rules for ascertaining the Duties.

Rules for ascertaining the said last-mentioned Duties in the particular Cases herein mentioned.

First Case.—Duties to be charged in respect of any Trade, Manufacture, Adventure, or Concern in the Nature of Trade, not contained in any other Schedule of this Act.

RULES.

Computation of Duty on Trade.

First.—The Duty to be charged in respect thereof shall be computed on a Sum not less than the full Amount of the Balance of the Profits or Gains of such Trade, Manufacture, Adventure, or Concern upon a fair and just Average of Three Years, ending on such Day of the Year immediately preceding the Year of Assessment on which the Accounts of the said Trade, Manufacture, Adventure, or Concern shall have been usually made up, or on the Fifth Day of *April* preceding the Year of Assessment, and shall be assessed, charged, and paid without other Deduction than is herein-after allowed: Provided always, that in Cases where the Trade, Manufacture, Adventure, or Concern shall have been set up and commenced within the said Period of Three Years, the Computation shall be made for One Year on the Average of the Balance of the Profits and Gains from the Period of first setting up the same: Provided also, that in Cases where the Trade, Manufacture, Adventure, or Concern shall have been set up and commenced within the Year of Assessment, the Computation shall be made according to the Rule in the Sixth Case of this Schedule:

To whom the Duty extends.

Second.—The said Duty shall extend to every Person, Body Politic, or Corporate, Fraternity, Fellowship, Company, or Society, and to every Art, Mystery, Adventure, or Concern carried on by them respectively, in *Great Britain* or elsewhere, as aforesaid; except always such Adventures or Concerns on or about Lands, Tenements, Hereditaments, or Heritages as are mentioned in Schedule (A.), and directed to be therein charged:

Deductions not to be allowed.

Third.—In estimating the Balance of Profits and Gains chargeable under Schedule (D.), or for the Purpose of assessing the Duty thereon, no Sum shall be set against or deducted from, or allowed to be set against or deducted from, such Profits or Gains, on account of any Sum expended for Repairs of Premises occupied for the Purpose of such Trade, Manufacture, Adventure, or Concern, nor for any Sum expended for the Supply of Repairs or Alterations of any Implements, Utensils, or Articles employed for the Purpose of such Trade, Manufacture, Adventure, or Concern, beyond the Sum usually expended for such Purposes according to an Average of Three Years preceding the Year in which such Assessment shall be made; nor on account of Loss not connected with or arising out of such Trade, Manufacture, Adventure, or Concern; nor on account of any Capital withdrawn therefrom; nor for any Sum employed or intended to be employed as Capital in such Trade, Manufacture, Adventure, or Concern; nor for any Capital employed in Improvement of Premises occupied for the Purposes of such Trade, Manufacture, Adventure, or Concern; nor on account or under Pretence of any Interest which might have been made on such Sums if laid out at Interest; nor for any Debts, except bad Debts proved to be such to the Satisfaction of the Commissioners respectively; nor for any average Loss beyond

beyond the actual Amount of Loss after Adjustment; nor for any Sum recoverable under an Insurance or Contract of Indemnity:

Fourth.—In estimating the Amount of the Profits and Gains arising as aforesaid no Deduction shall be made on account of any annual Interest, or any Annuity or other annual Payment, payable out of such Profits or Gains. No Deduction for annual Interest.

Second Case.—The Duty to be charged in respect of Professions, Employments, or Vocations, not contained in any other Schedule of this Act.

RULES.

First.—The said Duty on Employments shall be construed to extend to every Employment by Retainer in any Character whatever, whether such Retainer shall be annual, or for a longer or shorter Period; and to all Profits and Earnings of whatever Value, subject only to such Exemptions as are herein-after granted: To what the Duty shall extend.

Second.—The Duty to be charged shall be computed at a Sum not less than the full Amount of the Balance of the Profits, Gains, and Emoluments of such Professions, Employments, or Vocations (after making such Deductions, and no other, as by this Act are allowed,) within the preceding Year, ending as in the First Case, to be paid on the actual Amount of such Profits or Gains, without any Deduction, subject to the like Provisions as are made in the First Case in respect of the Period of Average in the Case of setting up and commencing such Profession, Employment, or Vocation within the Period herein limited: Computation of Duty on Professions.

Third.—The Third and Fourth Rules in the First Case shall also extend to the Profits arising under the Second Case, as far as they are applicable. Certain Rules of the First Case to extend to the Second.

Rules applying to both the preceding Cases.

First.—In estimating the Balance of the Profits or Gains to be charged according to either of the First or Second Cases, no Sum shall be set against or deducted from, or allowed to be set against or deducted from such Profits or Gains, for any Disbursements or Expences whatever, not being Money wholly and exclusively laid out or expended for the Purposes of such Trade, Manufacture, Adventure, or Concern, or of such Profession, Employment, or Vocation; nor for any Disbursements or Expences of Maintenance of the Parties, their Families or Establishments; nor for the Rent or Value of any Dwelling House or domestic Offices, or any Part of such Dwelling House or domestic Offices, except such Part thereof as may be used for the Purposes of such Trade or Concern not exceeding the Proportion of the said Rent or Value herein-after mentioned; nor for any Sum expended in any other domestic or private Purposes, distinct from the Purposes of such Trade, Manufacture, Adventure, or Concern, or of such Profession, Employment, or Vocation: Deductions not to be allowed on First and Second Cases.

Second.—The Computation of the Duty to be charged in respect of any Trade, Manufacture, Adventure, or Concern, or any Profession, whether carried on by any Person singly or by any One or more Persons jointly, or by any Corporation, Company, Fraternity, or Society, shall be made exclusive of the Profits or Gains arising from Lands, Tenements, or Hereditaments occupied for the Purpose of such Profession, Trade, Manufacture, Adventure, or Concern: Duty on Trade to be computed exclusive of the Profits of Lands.

Third.—The Computation of Duty arising in respect of any Trade, Manufacture, Adventure, or Concern, or any Profession carried on by Two or more Persons jointly, shall be made and stated jointly and in one Sum, and separately and distinctly from any other Duty chargeable on the same Persons, or either or any of them; and the Return of the Partner who shall be first named in the Deed, Instrument, or other Agreement of Copartnership (or where there shall be no such Deed, Instrument, or Agreement, then of the Partner who shall be named singly, or with Precedence to the other Partner or Partners, in the usual Name, Stile, or Firm of such Copartnership, or, where such precedent Partner shall not be an acting Partner, then of the preceding acting Partner,) and who shall be resident in *Great Britain*, (and who is hereby required, under the Penalty herein contained for Default in making any Return required by this Act, to make such Return on behalf of himself and the other Partner or Partners whose Names and Residences shall also be declared in such Return,) shall be sufficient Authority to charge such Partners jointly: Provided always, that where no such Partner shall be resident in *Great Britain*, then the Statement shall be prepared and delivered by their Agent, Manager, or Factor resident in *Great Britain*, jointly for such Partners, and such joint Assessment shall be made in the Partnership Name, Stile, Firm, or Description; and no separate Statement shall be allowed in any Case of Partnership, except for the Purpose of the Partners separately claiming an Exemption as herein directed, or of accounting for separate Concerns; provided that if any Partner being entitled to Exemption shall declare the Proportion of his Share in such Partnership, Trade, Profession, or Concern, in order to a separate Assessment for the above Purposes, it shall be lawful to charge such Partner separately; but if no such Claim be made, then such Assessment shall be made jointly, according to the Amount of the Profits and Gains of such Partnership: Provided also, that any joint Partner in such Trade, Profession, or Concern, which shall have been already returned by such precedent Partner as aforesaid, may return his Name and Place of Abode, and that he is such Partner, without returning the Amount of Duty payable in respect thereof, unless the Commissioners respectively shall think proper to require a further Return, in which Case it shall be lawful for such Commissioners to require from every such Partner the like Return, and the like Information and Evidence, as they are hereby entitled to require from the precedent Partner: Duty on Trade carried on by Two or more Persons, how to be charged.

Fourth.—

In case of Change of Partners the Duty to be charged on the Profits antecedent to the Change.

Fourth.—If amongst any Persons engaged in any Trade, Manufacture, Adventure, or Concern, or in any Profession, in Partnership together, any Change shall take place in any such Partnership, either by Death, or Dissolution of Partnership as to all or any of the Partners, or by admitting any other Partner therein, before the Time of making the Assessment, or within the Period for which the Assessment ought to be made under this Act, or if any Person shall have succeeded to any Trade, Manufacture, Adventure, or Concern, or any Profession, within such respective Periods as aforesaid, the Duty payable in respect of such Partnership, or any of such Partners, or any Person succeeding to such Profession, Trade, Manufacture, Adventure, or Concern, shall be computed and ascertained according to the Profits and Gains of such Business derived during the respective Periods herein mentioned, notwithstanding such Change therein or Succession to such Business as aforesaid, unless such Partners, or such Person succeeding to such Business as aforesaid, shall prove, to the Satisfaction of the respective Commissioners, that the Profits and Gains of such Business have fallen short or will fall short from some specific Cause, to be alleged to them, since such Change or Succession took place, or by reason thereof:

Duties to be charged in One Division, except where the same Person is engaged in different Concerns in Trade in divers Places.

Fifth.—Every Statement of Profits to be charged under this Schedule shall include every Source so chargeable on the Person delivering the same on his own Account, or on account of any other Person, and every Person shall be chargeable in respect of the whole of such Duties in one and the same Division, and by the same Commissioners, (except in Cases where the same Person shall be engaged in different Partnerships, or the same Person shall be engaged in different Concerns relating to Trade or Manufacture in divers Places, in each of which Cases a separate Assessment shall be made in respect of each Concern at the Place where such Concern if singly carried on ought to be charged as herein directed,) and every such Statement on the Behalf of any other Person for which such Person shall be chargeable as acting in any of the Characters before described, or on the Behalf of any Corporation, Fellowship, Fraternity, Company, or Society, shall include every Source chargeable as last aforesaid, and shall be delivered in that Division where such Person, Corporation, Fellowship, Fraternity, Company, or Society would be chargeable if acting on his or their own Behalf.

Third Case.—The Duty to be charged in respect of Profits of an uncertain annual Value not charged in Schedule (A.)

Computation of Duty on uncertain Profits.

First.—The Duty to be charged in respect thereof shall be computed at a Sum not less than the full Amount of the Profits or Gains arising therefrom within the preceding Year, ending as in the First Case, to be paid on the actual Amount of such Profits or Gains, without any Deduction:

On Interest, not being annual.

Second.—The Profits on all Securities bearing Interest payable out of the public Revenue (except Securities before directed to be charged under the Rules of Schedule (C.) and on all Discounts, and on all Interest of Money, not being annual Interest, payable or paid by any Person whatever, shall be charged according to the preceding Rule in this Case:

On Dealers in Cattle and Sellers of Milk.

Third.—Whenever the Commissioners shall, on Examination, find that any Lands occupied by a Dealer in Cattle, or by a Dealer in or Seller of Milk, (which Lands shall have been estimated and charged on the Rent or annual Value,) are not sufficient for the Keep and Sustenance of the Cattle brought on the said Lands, so that the Rent or annual Value of the said Lands cannot afford a just Estimate of the Profits of such Dealer, it shall be lawful for the said Commissioners to require a Return of such Profits, and to charge such further Sum thereon as, together with the Charge in respect of the Occupation of the said Lands, shall make up the full Sum wherewith such Trader ought to be charged in respect of the like Amount of Profits charged according to the First Rule in this Case.

Computation of Duty from Securities in Ireland, in the Colonies, &c. and Foreign Securities.

Fourth Case.—The Duty to be charged in respect of Interest arising from Securities in *Ireland*, or in the *British* Plantations in *America*, or in any other of Her Majesty's Dominions out of *Great Britain*, and Foreign Securities, except such Annuities, Dividends, and Shares as are directed to be charged under Schedule (C.) of this Act.

The Duty to be charged in respect thereof shall be computed on a Sum not less than the full Amount of the Sums (so far as the same can be computed) which have been or will be received in *Great Britain* in the current Year, without any Deduction or Abatement.

Computation of Duty from Possessions in Ireland, the Colonies, &c.

Fifth Case.—The Duty to be charged in respect of Possessions in *Ireland*, or in the *British* Plantations in *America*, or in any other of Her Majesty's Dominions out of *Great Britain*, and Foreign Possessions.

The Duty to be charged in respect thereof shall be computed on a Sum not less than the full Amount of the actual Sums annually received in *Great Britain*, either for Remittances from thence payable in *Great Britain*, or from Property imported from thence into *Great Britain*, or from Money or Value received in *Great Britain*, and arising from Property which shall not have been imported into *Great Britain*, or from Money or Value so received on Credit or on Account in respect of such Remittances, Property, Money, or Value brought or to be brought into *Great Britain*, computing the same on an Average of the Three preceding Years, as directed in the First Case, without other Deduction or Abatement than is herein-before allowed in such Case.

Computation of Duty on undescribed Profits.

Sixth Case.—The Duty to be charged in respect of any annual Profits or Gains not falling under any of the foregoing Rules, and not charged by virtue of any of the other Schedules contained in this Act.

The Nature of such Profits or Gains, and the Grounds on which the Amount thereof shall have been computed, and the Average taken thereon (if any), shall be stated to the Commissioners, and the Computation shall be made either on the Amount of the full Value of the Profits and Gains received annually,

annually, or according to an Average of such Period greater or less than One Year, as the Case may require, and as shall be directed by the said Commissioners; and such Statement and Computation shall be made to the best of the Knowledge and Belief of the Person in receipt of the same or entitled thereto.

Persons carrying on Two or more Concerns may set the Loss sustained in one against the Profits acquired in the other Concern.

CI. Provided always, and be it enacted, That nothing herein contained shall be construed to restrain any Person carrying on, either solely or in Partnership, Two or more distinct Trades, Manufactures, Adventures, or Concerns in the Nature of Trade, the Profits whereof are made chargeable under the Rules of Schedule (D.), from deducting or setting against the Profits acquired in One or more of the said Concerns the Excess of the Loss sustained in any other of the said Concerns over and above the Profits thereof, in such Manner as may be done under this Act where a Loss shall be deducted from the Profits of the same Concern, or to restrain any of such Persons from making separate Statements thereof, or to restrain any such Person renting a Dwelling House, Part whereof shall be used by him for the Purposes of any Trade or Concern or any Profession hereby charged, from deducting or setting off from the Profits of such Trade, Concern, or Profession such Sum not exceeding Two Third Parts of the Rent *bonâ fide* paid for such Dwelling House, with the Appurtenances, as the said respective Commissioners shall on due Consideration allow; and the respective Commissioners shall have Authority to allow such Deductions as in other Cases, and to assess such Person accordingly.

Charging with Duty all annual Interest not otherwise charged.

CII. And be it enacted, That upon all Annuities, yearly Interest of Money, or other annual Payments, whether such Payments shall be payable within or out of *Great Britain*, either as a Charge on any Property of the Person paying the same by virtue of any Deed or Will or otherwise, or as a Reservation thereout, or as a personal Debt or Obligation by virtue of any Contract, or whether the same shall be received and payable half-yearly or at any shorter or more distant Periods, there shall be charged for every Twenty Shillings of the annual Amount thereof the Sum of Seven-pence, without Deduction, according to and under and subject to the Provisions by which the Duty in the Third Case of Schedule (D.) may be charged; provided that in every Case where the same shall be payable out of Profits or Gains brought into charge by virtue of this Act no Assessment shall be made upon the Person entitled to such Annuity, Interest, or other annual Payment, but the whole of such Profits or Gains shall be charged with Duty on the Person liable to such annual Payment, without distinguishing such annual Payment, and the Person so liable to make such annual Payment, whether out of the Profits or Gains charged with Duty, or out of any annual Payment liable to Deduction, or from which a Deduction hath been made, shall be authorized to deduct out of such annual Payment at the Rate of Seven-pence for every Twenty Shillings of the Amount thereof, and the Person to whom such Payment liable to Deduction is to be made shall allow such Deduction, at the full Rate of Duty hereby directed to be charged, upon the Receipt of the Residue of such Money, and under the Penalty herein-after contained, and the Person charged to the said Duties having made such Deduction shall be acquitted and discharged of so much Money as such Deduction shall amount unto, as if the Amount thereof had actually been paid unto the Person to whom such Payment shall have been due and payable; but in every Case where any annual Payment as aforesaid shall, by reason of the same being charged on any Property or Security in *Ireland*, or in the *British* Plantations, or in any other of Her Majesty's Dominions, or on any Foreign Property or Foreign Security, or otherwise, be received or receivable without any such Deduction as aforesaid, and in every Case where any such Payment shall be made from Profits or Gains not charged by this Act, or where any Interest of Money shall not be reserved or charged or payable for the Period of One Year, then and in every such Case there shall be charged upon such Interest, Annuity, or other annual Payment as aforesaid the Duty before mentioned, according to and under and subject to the several and respective Provisions by which the Duty in the Third Case of Schedule (D.) may be charged: Provided always, that where any Creditor on any Rates or Assessments not chargeable by this Act as Profits shall be entitled to such Interest, it shall be lawful to charge the proper Officer having the Management of the Accounts with the Duty payable on such Interest, and every such Officer shall be answerable for doing all Acts, Matters, and Things necessary to a due Assessment of the said Duties, and Payment thereof, as if such Rates or Assessments were Profits chargeable under this Act, and such Officer shall be in like Manner indemnified for all such Acts, as if the said Rates and Assessments were chargeable.

Interest from Profits charged liable to Deduction.

All other Interest to be charged under Schedule (D.)

Interest secured on Rates to be charged on the Officer managing the Accounts.

Penalty on refusing to allow Deductions.

CIII. And be it enacted, That if any Person shall refuse to allow any Deduction authorized to be made by this Act out of any Payment of annual Interest of Money lent, or other Debt bearing annual Interest, whether the same be secured by Mortgage or otherwise, he shall forfeit for every such Offence Treble the Value of such Principal Money or Debt; and if any Person shall refuse to allow any Deduction authorized to be made by this Act out of any Rent or other annual Payment mentioned in the Ninth and Tenth Rules of No. IV. Schedule (A.) or out of any Annuity or annual Payment mentioned in Schedules (C.) or (E.), or in the next preceding Clause, save such annual Interest as aforesaid, every such Person shall forfeit the Sum of Fifty Pounds; and all Contracts, Covenants, and Agreements made or entered into, or to be made or entered into, for Payment of any Interest, Rent, or other annual Payment aforesaid, in full, without allowing such Deduction as aforesaid, shall be utterly void.

Deductions on Payment of Interest of Money, and other Payments from Profits charged under

CIV. And be it enacted, That whenever it shall be proved, to the Satisfaction of the said respective Commissioners acting in the District where any Person making the Application shall reside, that any Interest of Money, Annuity, or other annual Payment shall be annually paid out of the Profits and Gains *bonâ fide* accounted for and charged by virtue of this Act at the Rate and according to the Rules specified in Schedule (D.), without any Deduction on account thereof, it shall be lawful for such Commissioners

Schedule (D.), to be made by virtue of a Certificate.

missioners to grant a Certificate thereof, under the Hands of any Two of them, in such Form as shall be provided under the Authority of this Act, which Certificate shall entitle the Person so assessed, upon Payment of such Interest, Annuity, or other annual Payment, to abate and deduct so much thereof as a like Rate on such Interest, Annuity, or other annual Payment would amount unto; and every Person to whom such Interest, Annuity, or other annual Payment shall be paid shall allow such Deductions and Payments, upon Receipt of the Residue of such Interest, Annuity, or other annual Payment, and the Person paying the same shall be acquitted and discharged of so much Money as a like Rate thereon would amount unto, as if the same had actually been paid unto the Person to whom such Interest, Annuity, or other annual Payment shall have been due and payable; provided no such Certificate shall be required where such Payments are to be made out of the Profits or Gains arising from Lands, Tenements, Hereditaments, or Heritages, as before mentioned, or of any Office or Employment of Profit, or out of any Annuity, Pension, Stipend, or any Dividend or Share in such public Annuities as are herein mentioned, but such Deductions may be made without having obtained such Certificate.

Charitable Institutions exempted from the Duties on Interest chargeable under Schedule (D.)

CV. Provided always, and be it enacted, That any Corporation, Fraternity, or Society of Persons, and any Trustee for charitable Purposes only, shall be entitled to the same Exemption in respect of any yearly Interest or other annual Payment chargeable under Schedule (D.) of this Act, in so far as the same shall be applied to charitable Purposes only, as is herein-before granted to such Corporation, Fraternity, Society, and Trustee respectively in respect of any Stock or Dividends chargeable under Schedule (C.) of this Act, and applied to the like Purposes; and such Exemption shall be allowed by the Commissioners for Special Purposes, on due Proof before them, and the Amount of the Duties which shall have been paid by such Corporation, Fraternity, Society, or Trustee in respect of such Interest or yearly Payment, either by Deduction from the same or otherwise, shall be repaid, under the Order of the said Commissioners for Special Purposes, in the Manner herein-before provided for the Repayment of Sums allowed by them, in pursuance of any Exemption contained in the said Schedule (C.)

In what Districts the Duties are to be charged.

CVI. And be it enacted, That every Person being a Householder (except Persons engaged in any Trade, Manufacture, Adventure, or Concern, or any Profession, Employment, or Vocation,) shall be charged to the said Duties contained in Schedule (D.) by Commissioners acting for the Parish or Place where his Dwelling House shall be situate; and every Person engaged in any Trade, Manufacture, Adventure, or Concern, or any Profession, Employment, or Vocation, shall be chargeable by the respective Commissioners acting for the Parish or Place where such Trade, Manufacture, Adventure, or Concern shall be carried on, or where such Profession, Employment, or Vocation shall be exercised, whether such Trade, Manufacture, Adventure, or Concern shall be carried on, or such Profession, Employment, or Vocation shall be exercised, wholly or in part only in *Great Britain*, or whether such Person shall be engaged in One only or more of such Concerns, except where the same Person shall be engaged in different Concerns, and a Loss from one Concern shall be set off or deducted from the Profits of another Concern; and every Person not being a Householder, nor engaged in any Trade, Manufacture, Adventure, or Concern, nor in any Profession, Employment, or Vocation, who shall have any Place of ordinary Residence, shall be charged by the Commissioners acting for the Parish or Place where he shall ordinarily reside; and every Person not herein-before described shall be charged by the Commissioners acting for the Parish or Place where such Person shall reside at the Time of beginning to execute this Act in each Year by giving such general Notices as are herein mentioned, or shall first come to reside after the Time for giving such general Notices; and every such Charge made in such Parish or Place shall be valid and effectual, notwithstanding the subsequent Removal of the Person so charged from the Parish or Place; and in order that the Place where the said last-mentioned Duties are to be charged may be ascertained, every Person is hereby required, on the Delivery of any List or Statement as aforesaid, at the same Time to deliver a Declaration in Writing signed by him declaring in what Place he is chargeable, and whether he is engaged in any Trade, Manufacture, Adventure, or Concern, or in any Profession, Employment, or Vocation, or not, and if he shall be so engaged in any Trade, Manufacture, Adventure, or Concern, or any Profession, Employment, or Vocation, also declaring the Place where the same shall be carried on or exercised, and every particular Concern, Profession, or Employment in which he shall be engaged in such Place in *Great Britain*, whether wholly in *Great Britain*, or in part only, as aforesaid; provided that where any Trade shall be carried on in *Great Britain* by the Manufacture of Goods, Wares, or Merchandize, the Assessment thereon shall be at the Place of Manufacture, although the Sales of such Goods, Wares, or Merchandize shall be elsewhere: Provided always, that every Person not being engaged in any Trade, Manufacture, Adventure, or Concern, or in any Profession, Employment, or Vocation, having Two or more Houses or Places at which he shall be ordinarily resident, shall be charged at such of the Parishes or Places wherein the Dwelling House is situate in which he shall be ordinarily resident at the Time of beginning to execute this Act in each Year in manner aforesaid, or in which he shall first come ordinarily to reside after giving such general Notices as aforesaid: Provided always, that the Duty to be assessed by virtue of this Act, in respect of the Profits or Gains arising from Possessions or Securities in *Ireland*, upon any Person resident in *Great Britain* as aforesaid, may be stated to and assessed by the respective Commissioners acting for the respective Places where the Persons receiving or entitled unto the same shall reside; and if the same shall be received by any Agent, Attorney, or Factor, such Agent, Attorney, or Factor shall make such Return of the Name and Place of Abode of the Person entitled thereto as is herein required to be made of other Persons of full Age resident in *Great Britain*, and if the Person entitled thereto shall not be of full Age, or not resident in *Great*

Declaration to be delivered of the Place where Party is chargeable.

Persons not in Trade having Two Residences, where the Duties are to be charged.

Profits arising from Possessions in Ireland, where to be assessed.

Great Britain, such Agent, Attorney, or Factor shall be answerable for doing all Acts, Matters, and Things required by this Act to be done in order to the assessing such Profits to the said last-mentioned Duties, and paying the same.

Persons holding Offices in Ireland, &c. resident in Great Britain, how chargeable.

CVII. Provided always, and be it enacted, That Persons holding Offices in *Ireland*, and residing in *Great Britain*, and Persons usually residing in *Ireland*, and serving in Parliament, who shall or may be exempted from the Duties of Assessed Taxes under the Provisions in that Behalf contained in the Acts relating to the said last-mentioned Duties, shall, under the like Circumstances under which such Exemptions are to be claimed, be chargeable to the Duties under this Act in like Manner only as Subjects of Her Majesty residing out of *Great Britain*.

Duties on Profits of Foreign or Colonial Possessions or Securities, where to be charged.

CVIII. And be it enacted, That the Duty to be assessed by virtue of this Act in respect of the Profits or Gains arising from Foreign Possessions or Foreign Securities, or in the *British* Plantations in *America*, or in any other of Her Majesty's Dominions, may be stated to and assessed by the respective Commissioners acting for the respective Places herein-after mentioned, *videlicet*, *London*, *Bristol*, *Liverpool*, and *Glasgow*, according to the Regulations herein-after mentioned, as if such Duty had been assessed upon the Profits or Gains arising from Trade or Manufacture carried on in such Places respectively; and such Duty shall be stated to and assessed and charged by the Commissioners acting for such of the said Places at or nearest to which such Property shall have been first imported into *Great Britain*, or at or nearest to which the Person who shall have received such Remittances, Money, or Value from thence, and arising from Property not imported as aforesaid, shall reside; and in default of the Owner or Proprietor thereof being charged, the Trustee, Agent, or Receiver of such Profits or Gains shall be charged for the same, and shall be answerable for the doing all such Acts, Matters, and Things as shall be required by this Act to be done, in order to the assessing such Profits to the Duties granted by this Act, and paying the same, whether the Person to whom the said Profits belong shall be resident in *Great Britain* or not: Provided always, that whenever the Produce or the Profits or Gains arising from such Possessions or Securities as last aforesaid shall have been imported partly into the Port of *London*, and partly into any of the Outports of *Bristol*, *Liverpool*, or *Glasgow*, or shall have been received by any Person partly in the City of *London* and partly in any of the said Outports, within the Period of making up the Account on which the Duty is chargeable by this Act according to the Rules herein contained, the whole of the Duty chargeable in respect of such Produce, Profits, or Gains so imported or received shall be assessed and charged by the Commissioners acting for the said City of *London*, and not elsewhere, and as if the whole of the said Produce or the said Profits or Gains arising within the said Period had been imported into or received in *London*; and whenever such Produce or Profits or Gains arising as aforesaid shall have been within such Period wholly imported into or received at the said Outports of *Bristol*, *Liverpool*, and *Glasgow*, and different Parts thereof shall have been imported into or received at Two or more of such Outports, the Duty chargeable thereon shall be assessed and charged at One of such Places only, and in One Account, and at such of the said Places at which the major Part in Value of such Produce or Profits or Gains shall have been so imported or received; provided that the Statements of such Produce, Profits, or Gains shall be delivered to the Commissioners acting for each Place at which any Part of the said Produce or Profits or Gains shall have been so imported or received, and transmitted by the respective Commissioners to the Head Office for Stamps and Taxes in *England*, and the Commissioners of Stamps and Taxes shall cause all such Statements to be sent to the Commissioners acting for the Place where the Duty thereon shall appear by such Statements to be chargeable according to this Act, who shall accordingly assess the same in One Sum.

London Docks, &c. assessed in London.

CIX. And be it enacted, That the Profits arising from the Docks called the *London* Docks, the *East* and *West India* Docks, and *Saint Katherine* Dock respectively, situate in the County of *Middlesex*, shall be assessed by the Commissioners acting for the City of *London*.

Statements to be delivered at each Place of Residence.

Statements of Profits under Schedule (D.) may be delivered under Seal.

CX. And be it enacted, That every Person having Two Residences, or carrying on any Trade or exercising any Profession in different Parishes, Places, or in any Place different from the Place of his ordinary Residence, shall, if required by the respective Commissioners, deliver at each such Parish or Place the like Lists, Declarations, and Statements as he is hereby required to deliver in the Parish or Place where such Person ought to be charged, but shall not be liable to any Double Charge by reason thereof; and all Lists, Declarations, and Statements containing the Amount of Profits chargeable under Schedule (D.) may be delivered to the respective Persons and in manner herein directed, sealed up, if superscribed with the Name and Place of Abode of, or Place of exercising the Profession or carrying on Trade by, the Person by whom the same shall have been made.

Additional Commissioners to consider Statements, and make Assessments on such as are satisfactory.

CXI. And be it enacted, That all Statements of Profits and Gains described in Schedule (D.) (except Statements whereon Assessments are to be made by the Commissioners for Special Purposes, as herein-after authorized,) shall be laid before the Additional Commissioners or the Commissioners for General Purposes acting as Additional Commissioners in their respective Districts, who shall appoint Meetings for taking all Statements then and from Time to Time to be delivered to them into consideration, within a reasonable Time after the Inspector or Surveyor shall have had the Examination of such Statements; and in case the said Additional Commissioners respectively shall be satisfied that any such Statements have been *bonâ fide* made according to the Provisions of this Act, and so as to enable the Commissioners to charge the respective Persons returning the same with the full Duties with which they ought respectively to be charged on account thereof, and in case no Information shall be given to the said Commissioners of the Insufficiency thereof, or no Objection shall be made thereto by the Inspector or Surveyor, which he is hereby empowered to make for sufficient Cause, the said Commissioners shall direct an Assessment to be made of the Duties chargeable on such Statement by virtue of this Act.

Where the Surveyor is dissatisfied with an Assessment, he may require a Case to be stated for the Opinion of the General Commissioners.

CXII. Provided always, and be it enacted, That where the Surveyor or Inspector shall apprehend the Determination made by the said Commissioners to be contrary to the true Intent and Meaning of this Act, and shall then declare himself dissatisfied with such Determination, it shall be lawful for him to require the said Commissioners to state specially and sign the Case upon which the Question arose, together with their Determination thereupon; which Case the said Commissioners are hereby required to state and sign accordingly, and to deliver to the said Inspector or Surveyor, to be by him transmitted to the Commissioners for General Purposes for the same District, who shall with all convenient Speed return an Answer to the Case so transmitted, with their Opinion thereon subscribed; and according to such Opinion the Assessment which shall have been the Cause of such Appeal shall be altered or confirmed.

When no Statement, &c. is returned, the Additional Commissioners to make an Assessment according to the best of their Judgment.

CXIII. And be it enacted, That in every Instance in which any Person shall have made default in the Delivery of any Statement, such Person not having been otherwise charged to the said last-mentioned Duties, or if the said Additional Commissioners shall not be satisfied with the Statement delivered by any Person, or any Objection shall be made thereto by the Inspector or Surveyor, (which he is hereby authorized and required to make in Writing, setting forth the Cause thereof, whenever he shall see sufficient Cause,) or the said Commissioners shall have received any Information of the Insufficiency of any Statement, the said Commissioners shall make an Assessment on such Person in such Sum as, according to the best of their Judgment, ought to be charged on him by virtue of this Act; which Assessment shall be subject to an Appeal, according to the Directions herein-after contained.

Additional Commissioners may refer Statements to Commissioners for General Purposes.

CXIV. And be it enacted, That whenever the Additional Commissioners shall think it proper to refer any Statement to the Commissioners for General Purposes without making any Assessment thereon, it shall be lawful for them so to do on delivering to the last-mentioned Commissioners the Case in Writing relative to such Statement, as the same shall appear to the said Additional Commissioners, with any Matter in question between them, either as to Law or Fact; and the said Commissioners for General Purposes shall proceed to inquire into the Merits of such Statement, in like Manner as they would have been hereby authorized to do in case the said Additional Commissioners had made an Assessment on such Statement, and the Party charged had appealed against the same, and thereupon an Assessment shall be made according to the Determination of the said Commissioners for General Purposes.

Inspector and Surveyor may examine Assessments, and erroneous Assessments may be amended on their Certificate.

CXV. And be it enacted, That the Inspector or Surveyor, being sworn as aforesaid, shall and may at all seasonable Times inspect and examine any Assessment which shall be made by the Additional Commissioners, before the Delivery thereof to the Commissioners for General Purposes, and in case he shall discover any Error in the same which in his Judgment shall require Amendment, he shall certify the same to the said Additional Commissioners by whom the Assessment shall have been made, and the said Additional Commissioners, upon sufficient Cause being shown to them, shall amend the same as in their Judgment the Case shall require.

Inspector or Surveyor to state his Objections to Assessments in Writing, and to give Notice to the Party.

CXVI. And be it enacted, That in every Case where the Inspector or Surveyor shall object to the Amount of the Duty charged by any Assessment made by the Additional Commissioners, which he is hereby empowered to do in any Case upon sufficient Cause, he shall state such Objection in Writing to the said Additional Commissioners, who shall thereupon certify the same, together with the Reasons for making such Assessment, and any Information they shall have obtained respecting the same, to the Commissioners for General Purposes; and the said Inspector or Surveyor shall also give such Notice thereof to the Party assessed as he is required to do by the said several Acts relating to the Duties of Assessed Taxes in Cases of Surcharge, in order that the Party so charged may be at liberty to appear before the said Commissioners for General Purposes in support of such Assessment.

Additional Commissioners to deliver Certificates of Assessments.

CXVII. And be it enacted, That the said Additional Commissioners shall cause Certificates of Assessments to be duly made out, from Time to Time as the same shall be completed, distinguishing the Ward, Parish, or Place within their respective Districts for which each such Assessment shall be made, which shall contain the Names and Surnames of the Parties charged, and the Sums which they respectively ought to pay by virtue of this Act, and shall cause such Certificates to be entered in Books provided for that Purpose, according to such Forms as shall be transmitted to them by the Commissioners of Stamps and Taxes; and the said Additional Commissioners shall sign such Assessments, and from Time to Time deliver the same, so entered and signed, to the Commissioners for General Purposes, under Cover sealed up, and shall also cause the Statements returned to them by the Parties so assessed, or by the Assessors relating to such Assessments, to be delivered at the same Time, sealed up in the like Manner, to the said Commissioners for General Purposes; provided that no Assessment made by Additional Commissioners, or Persons acting as such, shall be delivered to the respective Parties until the Expiration of Fourteen Days after the Assessment, so signed as aforesaid, shall have been delivered to the Commissioners for General Purposes, or the Persons acting as such, and the Inspector or Surveyor shall have had Notice thereof.

Persons aggrieved may appeal.

CXVIII. And be it enacted, That if any Person shall think himself aggrieved by an Assessment made by the said Additional Commissioners, or by any Objection to such Assessment made by any Surveyor or Inspector as aforesaid, it shall be lawful for him, on giving Ten Days Notice thereof in Writing to the Inspector or Surveyor, to appeal to the Commissioners for General Purposes in the same District where such Assessment was made, who shall hear and determine such Appeal; and the Commissioners for General Purposes shall from Time to Time appoint Days for hearing Appeals as soon after any Assessments shall be returned to them by the Additional Commissioners as conveniently can be done, and the Assessors shall cause Notice of the Days so appointed to be given to the respective Appellants, and the Meetings of the Commissioners for the Purpose of hearing Appeals shall be held from Time to Time, within

For fixing the Time for hearing Appeals.

within the Time limited by the said Commissioners, with or without Adjournment; and no Appeal shall be received after the Time so limited, except on the Ground of Diminution of Income, as herein mentioned: Provided always, that if any Person shall be prevented, by Absence, Sickness, or other reasonable Cause, to be allowed by the said Commissioners, from making or proceeding upon his Appeal within the Time so limited, it shall be lawful for the said Commissioners to give further Time for that Purpose, or to admit the same to be made by any Agent, Clerk, or Servant on the Behalf of such Appellant.

Notice to be given of the Time limited for hearing Appeals.

CXIX. And be it enacted, That in order that all Appeals upon such Assessments may be determined in due Time, the Commissioners for General Purposes shall cause a general Notice to be fixed up in their Office, or left with their Clerk, and also to be affixed on or near to the Door of the Church or Chapel of such Parish or Place, or of some adjoining Parish or Place, in Cases requiring the same by reason of any such Place having no Church or Chapel, limiting the Time for hearing all Appeals, and which Appeals shall be limited to be heard within a reasonable Time after the Cause thereof shall have arisen; and no Appeal shall be heard after the Time limited in such Notice, unless the Appeal shall be made on behalf of any Person who shall be absent out of the Realm, or prevented by Sickness from attending in Person within the Time so limited, in which Cases it shall be lawful for the said Commissioners to postpone any such Appeal from Time to Time, or to admit other Proof than the Oath of the Party of the Truth of the several Matters required by this Act to be proved by his Oath.

On Appeal, and when Objection made by the Surveyor is allowed, the Commissioners to require a Schedule.

CXX. And be it enacted, That upon receiving Notice of Appeal against any Assessment made as last aforesaid, and also in every Case where the Commissioners for General Purposes shall see Cause to allow the Objection of such Inspector or Surveyor to such Assessment, the said Commissioners shall direct their Precept to the Person appealing, to return to them, within the Time limited therein, a Schedule containing such Particulars as the said Commissioners shall demand, under the Authority of this Act, for their Information, respecting the Property of such Person, or the Trade, Manufacture, Adventure, or Concern in the Nature of Trade, or the Profession, Employment, or Vocation respectively carried on or exercised by such Person, and the Amount of the Balance of his Profits and Gains, distinguishing the particular Amounts derived from each separate Source before mentioned, or respecting the Particulars of the Deductions from any of such Profits or Gains made in such Statements or Schedules, and which the said Commissioners are hereby empowered and required to demand, at their Discretion, whenever the same shall appear to them necessary for the Purposes mentioned in this Act, and so from Time to Time until a complete Schedule, to the Satisfaction of the said Commissioners, of all the Particulars required by them shall be delivered; and every such Precept being delivered to or left at the last or usual Place of Abode of the Person to whom the same shall be directed, shall be binding upon him according to the Exigency thereof; or in case such Person shall have removed from the Jurisdiction of the said Commissioners, or cannot be found, or his Place of Abode shall not be known, then, upon fixing such Precept on or near to the Door of the Church or Chapel of the Place where the Commissioners shall meet in the Execution of this Act, such Precept shall also be binding upon such Person according to the Exigency thereof, and such Person shall make the Return required by the said Commissioners within the Time limited in such Precept, under the Penalty in this Act contained, and subject to such Charge as the said Commissioners are hereby authorized to make in such Case; to which Schedule any Inspector or Surveyor sworn as aforesaid shall have free Access at all reasonable Times, and shall take such Copies thereof, or of any Parts thereof, or Extracts from the same, as he shall think necessary for the due Execution of this Act.

Inspector or Surveyor may object to Statements in Schedule, giving Notice to the Party.

CXXI. And be it enacted, That it shall be lawful for the Inspector or Surveyor sworn as aforesaid, within a reasonable Time, to be allowed by the said Commissioners for General Purposes, after he shall have had the Examination of such Schedules, to object to the same or any Part thereof, and to state such Objections in Writing, and the Cause thereof, to the best of his Knowledge or Information; and the said Inspector or Surveyor shall, in every Case of objecting to any such Schedule, deliver a Notice in Writing of such Objection to the Party to be charged, or leave the same at his last or usual Place of Abode, under Cover sealed up and directed to such Party, in order that he may, if he shall think fit, appeal from the same to the said Commissioners: Provided always, that no Assessment shall be confirmed, nor any Alteration therein be made, until the Appeal upon such Objection or Assessment shall be heard and determined.

Commissioners overruling Objection, or satisfied with the Assessment or Schedule, may confirm or alter the Assessment accordingly.

CXXII. And be it enacted, That if upon receiving the Objection of such Inspector or Surveyor to any Schedule, the said Commissioners for General Purposes shall see Cause to disallow such Objection, or if, upon the hearing of any such Appeal as aforesaid, the said Commissioners shall be satisfied with the Assessment made by the Additional Commissioners, or after Delivery of a Schedule they shall be satisfied therewith, and shall have received no Information of the Insufficiency thereof, the said Commissioners for General Purposes shall direct such Assessment to be confirmed or altered according to such Schedule, as the Case may require; provided that in every Case where they shall think proper that the said Statement on which the Additional Commissioners made their Assessment, or the Schedule delivered to the Commissioners for General Purposes, should be verified, they shall direct the Assessor to give Notice to the Person to be charged with the said Duties to appear before them to verify the said Statement or Schedule in the Manner herein-after mentioned; and every such Person is hereby required to appear accordingly before the said Commissioners, and, on Oath as aforesaid, to verify the Contents of his Statement or Schedule, and to sign and subscribe the same with his proper Name; and such Oath shall be, that the Contents of such Statement or Schedule are true to the best of his Judgment or Belief, and that the same

contains the just Balance of the Profits and Gains arising from the Source or Sources therein contained, after making such Reductions as are therein stated, and that no Deduction whatever than such as is therein stated, and to such Amount only as is therein stated, hath been made from the Profits or Gains accounted for; provided always, that such Person shall be at liberty to amend his said Statement or Schedule before he shall be required to take such Oath; and after such Oath, and in every Case where such Statement or Schedule shall not have been objected to as aforesaid, and the said Commissioners shall be satisfied therewith, they shall make an Assessment according thereto, on the Amount therein stated, at which the Duty shall have been computed; and every such Assessment, made after Verification of such Statement or Schedule, shall be final and conclusive as to the Matters contained in such Statement or Schedule.

Commissioners may put Questions in Writing touching any Assessment or Schedules, and receive Answers.

CXXIII. And be it enacted, That whenever the Commissioners for General Purposes shall be dissatisfied with any Assessment returned by the Additional Commissioners to them, or with any Schedule delivered to them, or shall require further Information respecting the same, it shall be lawful for the said Commissioners for General Purposes to put any Question in Writing touching such Assessment, or the Contents of such Schedule, or touching any of the Matters which ought to be contained therein, or any Sums which shall have been set against or deducted from the Profits or Gains to be estimated in such Assessment or Schedule, and the Particulars thereof, and to demand an Answer in Writing accordingly from and signed by the Person to be charged, and so from Time to Time whenever the said Commissioners shall think the same necessary, and the said Commissioners for General Purposes shall from Time to Time issue their Precept, requiring true and particular Answers to be given to such Questions within Seven Days after the Service of such Precept; and every such Person shall make true and particular Answers, in Writing, signed by him, to such Questions, within the Time limited by such Precept, or shall within the like Period tender himself before the said Commissioners for General Purposes to be examined by them *vivâ voce* to such Matters; and every Person required to make such Answers, or appearing before the said Commissioners to be examined as a Party, or as the Clerk, Agent, or Servant of such Party, as herein is mentioned, shall be permitted to give his Answers, either in Writing as aforesaid or *vivâ voce*, without having taken any Oath, and shall be at liberty to object to any Question, and peremptorily to refuse answering the same; and the Substance of such Answers as he shall give *vivâ voce* shall, in his Presence, be reduced into Writing, and read to him, and he shall be at liberty to alter any Part thereof, and also to alter or amend any Particular contained in his Answers in Writing, or in any Schedule or Declaration, before he shall be called upon to verify the same in the Manner herein directed; and every such Schedule shall be altered or amended as shall seem requisite, after such Inquiry or Examination.

Commissioners for General Purposes may call upon the Party to verify his Answers on Examination upon Oath;

CXXIV. And be it enacted, That it shall be lawful for the Commissioners for General Purposes, in every such Case as aforesaid, whenever they shall think the same necessary, to require the Person upon whom any Assessment hath been made by the Additional Commissioners, with which the said Commissioners for General Purposes are dissatisfied, or from whom such Schedule or Answers in Writing as aforesaid have been received, with which the said Commissioners are dissatisfied, to appear and verify the same, and, upon the Appearance of such Person, to permit him to alter or amend such Schedule or Answers, and thereupon to administer to such Person the Oath herein-after mentioned, and also to require any Person who shall have been examined *vivâ voce* before them to verify his Examination on Oath, which any One of the said Commissioners is hereby empowered to administer, and such Oath shall be, that the Contents of the said Statements or Schedules are true to the best of his Knowledge and Belief, and contain a full and true Account of the Balance of all the Profits and Gains of the Deponent chargeable by this Act, to the best of his Knowledge and Belief, and a full and true Account of every Deduction made from his Profits or Gains in adjusting such Balance, or that the Contents of all such Answers in Writing as shall have been returned to the said Commissioners by him as the same are then stated, or that the Contents of his Examination, as the same have been reduced into Writing, are true; and every such Oath shall be subscribed by the Party taking the same.

may summon Witnesses, and examine them upon Oath.

CXXV. And be it enacted, That it shall be lawful for the Commissioners for General Purposes to summon in like Manner any Person, whom they shall think able to give Evidence or Testimony respecting the Assessment made or to be made on any other Person, to appear before them to be examined, and to examine every such Person who shall so appear before them on Oath (except the Clerk, Agent, or Servant of the Person to be charged, or other Person confidentially intrusted or employed in the Affairs of such Party to be charged, and who shall respectively be examined in the same Manner and subject to the same Restrictions as are herein-before provided for the *vivâ voce* Examination of any Party touching the Assessments to be charged on him), which Oath any One of the said Commissioners is hereby empowered to administer; and such Oath shall be, that the Testimony or Evidence to be given by such Person shall contain the whole Truth, and nothing but the Truth, in respect of the Matter in question concerning which such Evidence or Testimony is to be given, and every such Oath shall be subscribed by the Person taking the same; and if any Person, being duly summoned as aforesaid, shall refuse or neglect to appear before the said Commissioners at the Time and Place to be appointed for that Purpose, or if any Person, other than such Clerk, Agent, Servant, or Person confidentially intrusted or employed as aforesaid, being summoned, shall appear before the said Commissioners, but shall refuse to be sworn, or to subscribe such Oath as aforesaid, or, having taken and subscribed such Oath, shall refuse to answer any lawful Question touching the Matter depending before the said Commissioners, every Person so offending shall forfeit any Sum not exceeding Twenty Pounds.

Penalty for refusing to attend or to be examined.

CXXVI. And

Commissioners agreeing to make an Assessment on the Schedule may do so; but in certain Cases Commissioners may make an Assessment according to their Judgment, which shall be final.

CXXVI. And be it enacted, That if the Commissioners for General Purposes, or the major Part of them present, after hearing all such Appeals as shall be depending before them, or upon any Objection made by the Inspector or Surveyor to any such Assessment or Schedule, whether such Inquiry or Examination as aforesaid shall have taken place or not, shall agree to make an Assessment according to the Statement contained in the said Schedule, as the same shall have been returned, or altered or amended upon Appeal as aforesaid, they shall direct an Assessment to be made of the Duties chargeable on the Statement contained in the said Schedule at the Rate contained in this Act; and if the said Commissioners shall think proper to require a Verification of the said Schedule, they shall give Notice in manner aforesaid to the Party to appear before them to verify the same, and such Verification shall be made by the Party in such Manner, and such Assessment thereupon shall be made, as herein-before directed, which Assessment shall be final and conclusive; but nevertheless, in every Instance where any Person shall have neglected or refused to return such Schedule according to the Exigency of the Precept of the said Commissioners, or if any Clerk, Agent, or Servant of such Party as aforesaid, being summoned, shall have neglected or refused to appear before the Commissioners to be examined, or if such Party, or his Clerk, Agent, or Servant as aforesaid, shall have declined to answer any Question put to him by the said Commissioners in Writing or *vivâ voce*, or where the Schedule delivered shall have been objected to as aforesaid, and such Objection shall not have been appealed against within such reasonable Time as is directed by this Act, or where any Person, being required so to do, shall have neglected or refused to verify his Statement or Schedule, or his Answers or Examination in Writing, or where the Commissioners shall agree as aforesaid to allow the Objections, or any of them, made by such Inspector or Surveyor, it shall be lawful for the said Commissioners, and they are hereby required, in every such Case, according to the best of their Judgment, to settle and ascertain in what Sums such Person ought to be charged, and to make an Assessment accordingly, which Assessment shall be final and conclusive.

Where an Assessment shall be increased, the Commissioners may charge the Party with the Penalty, not exceeding Treble the Amount of Duty.

CXXVII. And be it enacted, That in every Case where the Commissioners for General Purposes shall have made any increased Assessment upon the Amount contained in the Statement or Schedule of the Party to be charged, or shall at any Time during the Continuance of this Act discover that any Increase ought to be made, whether upon the Surcharge of the Inspector or Surveyor, or from his Information, or otherwise, it shall be lawful for them to charge such Person in a Sum not exceeding Treble the Amount by which the Duties shall have been increased; (that is to say,) where the Party shall have refused or neglected to deliver any Statement or Schedule, then in a Sum not exceeding Treble the Amount of the Sum which, according to the Rate prescribed in Schedule (D.), such Person, in the Judgment of the said Commissioners, ought to be charged at, to be added to the Assessment, and applied as directed by this Act in other Cases of increased Assessments, and in case a Statement or Schedule shall have been so delivered, then in a Sum not exceeding Treble the Amount beyond the Amount contained in such Statement or Schedule, unless such Person shall in every such Case make it appear to the Satisfaction of the said Commissioners that the Omission complained of did not proceed from any Fraud, Covin, Art, or Contrivance, or any gross or wilful Neglect.

Penalty on Persons neglecting to deliver Schedules, or attend Summons of Commissioners.

CXXVIII. And be it enacted, That if any Person required by the Commissioners for General Purposes to make out and deliver any Schedule to the Person to whom the same ought to be delivered in pursuance of this Act shall refuse or neglect so to do, or shall refuse or neglect to appear before the said Commissioners, or to verify upon Oath before them any Statement or Schedule by him delivered, within the Time limited by such Commissioners in pursuance of this Act, every such Person so offending shall forfeit any Sum not exceeding Twenty Pounds, and Treble the Duty at which he ought to be assessed.

Schedules may be amended.

CXXIX. Provided always, and be it enacted, That if any Person who shall have delivered a Statement or Schedule shall discover any Omission or wrong Statement therein, it shall be lawful for him to deliver an additional Statement or Schedule rectifying such Omission or wrong Statement, and such Person shall not afterwards be subject to any Proceeding by reason of such Omission or wrong Statement; and if any Person shall not have delivered a Statement or Schedule, within the Time limited by the Commissioners for that Purpose, it shall be lawful for him to deliver a Statement or Schedule, in manner herein directed, at any Time before a Proceeding shall be had to recover the Penalty herein mentioned, and no Proceeding shall be afterwards had for recovering such Penalty; and if any Proceeding shall have been actually had before the Commissioners for recovering such Penalty, it shall be lawful for the same Commissioners, on due Proof to their Satisfaction that no Fraud or Evasion whatever was intended, to stay such Proceedings, either on the Terms of paying or without paying the Costs then incurred, as the Commissioners shall think fit; and if any Proceeding shall have been commenced in any Court, it shall be lawful for the Commissioners to certify, that in their Judgment no Fraud or Evasion was intended by the Party making such Omission, and it shall be lawful for any Judge of such Court, on a summary Application, to stay such Proceedings on such Terms as he shall think fit; or if such Person shall have delivered an imperfect Statement or Schedule, and shall give to the Commissioners a sufficient Reason why a perfect Statement or Schedule cannot be delivered, the said Commissioners, being satisfied therewith, shall give further Time, and so from Time to Time, for the Delivery of such Statement or Schedule; and such Person shall not be liable to any Penalty for not having delivered such Statement or Schedule within the Time before limited, in case such Person shall have delivered as perfect a Statement or Schedule as from the Nature of the Case he was enabled to give, and so from Time to Time as long as the Commissioners shall grant further Time as aforesaid.

Parties assessed or surcharged to the Duties

CXXX. Provided always, and be it enacted, That in any Case in which an Appeal is allowed to be made to the Commissioners for General Purposes against any Assessment of the Duties contained in Schedule

in Schedule (D.) may appeal to Special Commissioners.

Schedule (D.) of this Act, or against any Objection of the Inspector or Surveyor to such Assessment, or against any Surcharge of the said Duties, it shall be lawful for the Person assessed or charged, if he shall think fit, instead of appealing to the said Commissioners for General Purposes, to appeal to the Commissioners for Special Purposes, upon giving Notice thereof in Writing to the Inspector or Surveyor within the Time limited for Notices of Appeal to the Commissioners for General Purposes in similar Cases, and thereupon every such Appeal shall be heard and determined by Two or more of the Commissioners for Special Purposes who shall be directed by the Commissioners of Stamps and Taxes to hear Appeals in the District in which such Appellant shall be chargeable, and the Determination of the said Commissioners for Special Purposes shall be final and conclusive in the Matter: Provided always, that no Person who shall claim the Exemption herein-after granted to Persons whose annual Income is less than One hundred and fifty Pounds shall be allowed to appeal to the said Commissioners for Special Purposes, but that every such Claim shall be determined by the Commissioners for General Purposes as herein-after directed.

Claims of Exemption for Income being less than 150*l.* to be settled by General Commissioners.

Persons chargeable under Schedule (D.) may require the Proceedings in order to an Assessment to be had before Special Commissioners.

CXXXI. Provided also, and be it enacted, That it shall be lawful for any Person chargeable to the Duties contained in the said Schedule (D.), and who shall not claim the said Exemption herein-after granted, to require, if he shall think fit, that all Proceedings in order to an Assessment upon him, in respect of Profits and Gains chargeable under the said Schedule, shall be had and taken before the Commissioners for Special Purposes in the Manner herein-after directed, instead of the Additional Commissioners or the Commissioners for General Purposes, provided he shall deliver a Notice of such Request, together with the List, Declaration, and Statement of such Profits and Gains, to the Assessor of the Parish or Place, to be by him transmitted to the Inspector or Surveyor of the District in which the same shall be chargeable, within the Time to be limited by the general Notice herein-before directed to be given for Delivery of all such Lists and Statements as aforesaid; and thereupon the said Inspector or Surveyor shall examine the said List and Statement, and shall compute and assess the Duties which, according to his Judgment, shall be chargeable upon the Party under the said Schedule (D.), and shall make a Certificate of such Assessment, and deliver the same, together with the said List, Declaration, and Statement, to the Commissioners for Special Purposes, who shall examine the same, and make or sign and allow such an Assessment of the said Duties as shall appear to them to be just and proper, subject to an Appeal by the Party to be charged, or by the Inspector or Surveyor objecting to such Assessment, in like Manner and under the like Rules and Regulations as in Cases of Appeal against Assessments made by the said Additional Commissioners; and every such Appeal shall be heard and determined by the Commissioners for Special Purposes directed by the Commissioners of Stamps and Taxes to hear Appeals in such District; provided that if either the Party to be charged, or the Inspector or Surveyor, shall apprehend the Determination of the said Commissioners for Special Purposes on such Appeal to be erroneous in any Particular, and shall then express himself dissatisfied therewith, the said Commissioners, if required by him, shall state specially and sign the Case on which the Question arose, together with their Determination thereon, and transmit the same to the Commissioners of Stamps and Taxes for their Opinion; and the said last-mentioned Commissioners shall, with all convenient Speed, state and subscribe their Opinion on the Case so transmitted, and according to such Opinion the Assessment which shall have been the Subject of Appeal shall be altered or confirmed, and the Decision of the Commissioners of Stamps and Taxes shall be final and conclusive in the Matter; and in every Case in which an Assessment shall be made by the said Commissioners for Special Purposes, they shall notify the Amount thereof to the Party assessed, who shall cause the same to be paid to the Receiver General of Stamps and Taxes, or the proper Officer for Receipt in *England* or *Scotland*, at such Time or Times and in such Manner as the said Commissioners shall direct; and in default of such Payment the said Commissioners shall make a Duplicate of such Assessment, and deliver the same, together with their Warrant for levying the Amount thereof, to the Collector of the Duties appointed by the Commissioners for General Purposes for the Parish or Place in which the Party assessed shall reside, and such Collector is hereby authorized and required to levy and raise the Duties so assessed according to the Exigency of such Warrant.

Powers and Authorities of General Commissioners may be exercised by Special Commissioners in certain Cases.

CXXXII. And be it enacted, That wherever by this Act Authority is given to the Commissioners for Special Purposes to make, sign, or allow any Assessment, or to hear any Appeal, then and in every such Case all the Powers and Authorities, Rules and Regulations, which under or by virtue of this or any other Act may be exercised or put in force by the said Additional Commissioners or the said Commissioners for General Purposes, or by or under their Warrant, Order, or Direction respectively, with relation to the making, signing, or allowing of any Assessment, or to the Proceedings on any Appeal before them, or to the collecting, levying, and receiving of any of the Duties hereby granted, shall and may lawfully be exercised and put in force by the said Commissioners for Special Purposes, or by or under their Warrant, Order, or Direction, with reference to any Assessment to be made, signed, or allowed by such last-mentioned Commissioners, or any Appeal to be heard or determined by them.

Abatement on account of Diminution of Income, how to be allowed.

CXXXIII. And be it enacted, That if within or at the End of the Year current at the Time of making any Assessment under this Act, or at the End of any Year when such Assessment ought to have been made, any Person charged to the Duties contained in Schedule (D.), whether he shall have computed his Profits or Gains arising as last aforesaid on the Amount thereof in the preceding or current Year, or on an Average of Years, shall find, and shall prove to the Satisfaction of the Commissioners by whom the Assessment was made, that his Profits and Gains during such Year for which the Computation was made fell short of the Sum so computed in respect of the same Source of Profit on which the Computation

Computation was made, it shall be lawful for the said Commissioners to cause the Assessment made for such current Year to be amended in respect of such Source of Profit, as the Case shall require, and in case the Sum assessed shall have been paid, to certify under their Hands to the Commissioners for Special Purposes at the Head Office for Stamps and Taxes in *England* the Amount of the Sum overpaid upon such First Assessment, and thereupon the said last-mentioned Commissioners shall issue an Order for the Repayment of such Sum as shall have been so overpaid, and such Order shall be directed to the Receiver General of Stamps and Taxes, or to an Officer for Receipt or Collector of the Duties granted by this Act, or to a Distributor or Sub-Distributor of Stamps, and shall authorize and require the Repayment of the said Sum so overpaid as aforesaid, in like Manner as is herein-before provided with respect to the Allowances to be granted under No. V. of Schedule (A.) of this Act.

Abatement to be allowed when Persons shall cease to exercise any Trade, or shall die before the End of the Year.

CXXXIV. And be it enacted, That in case any Person charged to the said Duties under Schedule (D.), whether the Computation thereon shall have been made on the Profits of One Year or on an Average, as herein allowed, shall cease to exercise the Profession, or to carry on the Trade, Employment, or Vocation, in respect whereof such Assessment was made, or shall die, or become bankrupt or insolvent, before the End of the Year for making such Assessment, or shall from any other specific Cause be deprived of or lose the Profits or Gains on which the Computation of Duty charged in such Assessment was made, it shall be lawful for such Person, or his Executors or Administrators, to make Application to the Commissioners for General Purposes of the District, within Three Calendar Months after the End of such Year, and on due Proof thereof to their Satisfaction the said Commissioners shall cause the Assessment to be amended, as the Case may require, and give such Relief to the Party charged, or his Executors or Administrators, as shall be just, and in Cases requiring the same the said Commissioners shall direct, in manner before mentioned, Repayment to be made of such Sum as shall have been overpaid on the Assessment amended or vacated: Provided always, that where any Person shall have succeeded to the Trade or Business of the Party charged, no such Abatement shall be made, unless it shall be proved to the Satisfaction of the said Commissioners that the Profits and Gains of such Trade or Business have fallen short from some specific Cause, to be alleged to them and proved, since such Change or Succession took place, or by reason thereof, but such Person so succeeding to the same shall be liable to the Payment of the full Duties thereon without any new Assessment.

Commissioners to be assessed to Duties as other Persons, but not to be present during the Consideration of their Statements.

CXXXV. And be it enacted, That the Persons acting as Commissioners in the Execution of this Act shall be charged and assessed to the Duties contained in Schedule (D.), if liable thereto, in like Manner as any other Persons may be charged and assessed to the said Duties: Provided always, that any Commissioner whose Statement or Schedule shall be under Consideration, or shall be concerned or interested therein, either for himself or for any other Person, in any Character before described, shall have no Voice, and shall not be present, except upon an Appeal, for the Purpose of being examined *vivâ voce* by the Commissioners then having his Assessment or Schedule under Consideration, but shall withdraw during the Consideration and Determination thereof.

Commissioners to enter their Assessments in Books, and send Accounts to the Office of Stamps and Taxes.

CXXXVI. And be it enacted, That the Commissioners for General Purposes acting in relation to the Duties contained in Schedule (D.) shall, in their respective Books of Assessment, enter and cause to be entered the several Amounts of the Sums assessed by them; and they shall from Time to Time make out, and transmit to the Commissioners of Stamps and Taxes, Accounts of the Amount of Duty assessed by them, distinguishing the Amount charged on each Person, which Accounts shall severally be made out, with the Particulars required by this Act; and they shall also from Time to Time make out, and transmit to the said Commissioners of Stamps and Taxes, Lists containing the Name, Description, and Place of Residence of every Person assessed by them respectively, as soon as the same conveniently can be done, which Lists shall be made out according to an alphabetical Arrangement of the respective Parishes or Places of Residence in their respective Districts.

Assessments under Schedule (D.) to be entered, and Certificates of the Amount to be delivered by a Number or Letter, without the Name of the Parties, where they intend Payment to the Officer for Receipt.

CXXXVII. And be it enacted, That all Assessments upon Profits or Gains under Schedule (D.) made by the Commissioners for General Purposes shall be entered in Books, with the Names and Descriptions of the Persons, Corporations, Companies, or Societies to be charged therewith, and their respective Places of Abode set opposite thereto, and which Entries shall respectively be numbered progressively, or lettered, or distinguished by Numbers or Letters, as the said Commissioners shall think proper; and that when and as soon as the said Commissioners shall have caused to be made any such Entry in such Book, in case the Person charged by such Assessment shall have declared his Intention to pay the Duty to the proper Officer for Receipt within the Time limited by this Act for Payment thereof, and in case the said Commissioners shall be satisfied with such Declaration, they shall deliver to such Person, or to such other Person as shall be there attending on his Behalf, a Certificate under the Hands of Two or more of such Commissioners, specifying the Amount of the Sums to be paid within One Year upon such Assessment; and every such Certificate shall be numbered or lettered with the same Number or Letter as the Entry in the Book of the said Commissioners to which such Certificate shall relate shall be marked and numbered or lettered, without naming or otherwise describing the Person charged thereby; which Certificate shall, on Production thereof, be a sufficient Authority to the said Officer for Receipt from Time to Time to receive from any Person bearing and producing such Certificate the Amount of the Sums therein contained, in such Proportions thereof as by this Act are made payable by Instalments, and at the Times by this Act appointed for Payment thereof, or in advance; and on the Payment of the Sums contained in any such Certificate, or any Proportion thereof, the said Officer for Receipt shall give Certificates for the same, acknowledging the Receipt of the Sum paid on account of the Certificate

tificate of the said respective Commissioners by the Number or Letter marked thereon as before directed.

Commissioners to deliver Warrants to Collectors, except where Parties are assessed by a Number or Letter.

CXXXVIII. And be it enacted, That in all Cases where the Commissioners shall not have received a Declaration of the intended Payment to the Officer for Receipt as aforesaid of the Duty to be charged under Schedule (D.), or shall not be satisfied with such Declaration, they shall deliver a Duplicate of the Assessments to the Collector, with the Names and Descriptions of the Parties charged therewith, together with their Warrants for collecting the same, in such Form and under the like Powers as they are authorized to collect the Duty under any of the other Schedules contained in this Act; and if after the Receipt of any such Declaration the Duties shall not be duly satisfied and paid accordingly, the said Commissioners shall cause the Names of the Defaulters, and the Amount of Duty assessed on each, to be inserted from Time to Time in the Duplicate of such Collector; and the Warrant for collecting the same shall be of the like Force and Effect as if such Names and Sums had been inserted therein at the Time of issuing such Warrant.

Duplicates to be delivered to Officers for Receipt, and where Assessments are made under a Number or Letter, with Warrants for receiving the Duties.

CXXXIX. And be it enacted, That it shall be lawful for the respective Commissioners for General Purposes to issue out and deliver to the respective Officers for Receipt Duplicates of the Assessments made by them, containing the Sums assessed on every Person to whom a Certificate hath been delivered by Letter or Number, together with the Number or Letter set opposite thereto in their respective Books before mentioned, without naming such Persons, with their Warrants for receiving the Duties charged by such Commissioners respectively when the same shall become payable as aforesaid; and all such Sums shall be paid to the respective Officers for Receipt, and such Part thereof as shall not be so paid to them may be levied and collected as herein is mentioned; and if not so paid, levied, or collected, the same shall be recoverable as a Debt to the Queen's Majesty, with full Costs of Suit, and all Charges and Expences attending the same.

Persons charged to pay the Duties to the proper Officer for Receipt before the Days appointed by the Act; and in default the Duties may be levied.

CXL. And be it enacted, That the Duties payable on such last-mentioned Assessments shall be paid to the proper Officer for Receipt, by such Instalments as by this Act is directed, before the respective Days appointed for such Payments, according to the Regulations of this Act, or by Three or Two Instalments, or in One Sum in full, as the Parties shall choose; and the Certificates hereby required to be given on such Payments shall be delivered to the respective Commissioners, or to One or more of them, or to their Clerk, at their Office, before the Times when the same are hereby made payable, taking his or their Receipt for the same, which Receipt shall be a sufficient Discharge for the Money so paid in satisfaction of so much of the Assessment as shall be mentioned in such Certificate to be so paid; and if any Person shall neglect to pay such Duties at the Time and in the Manner hereby directed for Payment thereof, or, having paid the same, shall neglect to deliver the Certificate required to be given on such Payment as herein-before directed, it shall be lawful for the Commissioners for General Purposes, and they are hereby required, to deliver a Duplicate of all Sums assessed on any Person who shall have made default in paying or accounting for the Payment of the same, together with their Warrant, to such Collector as they shall appoint to levy the Sum in arrear and unpaid, and such Duplicate shall be made out, and such Sums shall be levied, according to the Regulations of the said Acts relating to the Duties of Assessed Taxes.

Duties may be paid in advance, subject to Discount.

CXLI. And be it enacted, That it shall be lawful for any Person to pay in advance to the Receiver General of Stamps and Taxes, or to the proper Officer for Receipt, any Sum of Money charged as aforesaid, and to require a Certificate acknowledging such Payment; and it shall be lawful for the said Receiver General or Officer for Receipt, on Production of the Notice or Certificate of such Assessment at the Time of Payment of the said Duty in advance (the Sum so paid not in any Case to be less than the Sum which appears by such Certificate to be payable by Two Instalments), to make an Allowance, at the Rate of Four Pounds *per Centum per Annum*, out of the Sum so paid in advance, calculated upon such Sum for the Period by which the same shall be paid sooner than the Period prescribed by this Act for the Payment thereof; and in every such Case the said Receiver General or Officer for Receipt shall give the Person paying the same a Certificate of such Payment, specifying therein the Number of Instalments thereby discharged, and the Amount of the Allowance for such prompt Payment, and referring thereby to the Notice or Certificate of Assessment then produced, and the Name, Number, or Letter therein mentioned; and all such Allowances shall be made at the Time of paying the said Duties; and such Certificates as aforesaid, being delivered at the respective Offices of the Commissioners for executing this Act, shall be received by them as Cash in discharge of the Assessments, and shall be allowed to them in their Accounts.

One Certificate or separate Certificates shall be given as required for the Duties so paid.

On Delivery of Certificates to the Commissioners, the Clerk to give a Receipt, which shall be a Discharge.

CXLII. And be it enacted, That upon the Payment of any such Sum of Money as aforesaid the said Receiver General or Officer for Receipt shall give such Certificate as aforesaid for the Whole of the Sums so paid, or separate Certificates in like Form for such Portions thereof as shall be required, which Certificates shall severally be cut off indentwise from the Counter-cheques thereof, which Counter-cheques are to remain with the said Receiver General or Officer for Receipt; and every such Certificate shall be denominated in the Body thereof to be on account of Payments made in discharge of the Duties assessed by virtue of this Act; and upon the Delivery of any such Certificate as last aforesaid to the said Commissioners for General Purposes, or at their Office, in discharge of the Whole or any Part of the said Duties assessed or charged upon the Person delivering such Certificate, the said Commissioners or their Clerk shall, if required, endorse in Writing on the Back of the Certificate to be given by them or him in such Case the Amount of the Number of Instalments of the said Duties to be discharged by such Payments, which Receipts of the said Commissioners or their Clerks as aforesaid shall be received, without further Proof, as Evidence of such Payments, in all Courts and Places and before all Persons whatever.

CXLIII. ‘ And

CXLIII. 'And whereas it is expedient to relieve Persons who may be willing to compound on the 'Terms herein-after mentioned for the Duties on the Profits and Gains described in the said Schedule '(D.) from making any further Return of such Profits and Gains chargeable in the Second and Third 'Years of the Term limited for the Continuance of this Act;' be it enacted, That every Person desirous of compounding for the said Duties shall deliver the List and Statement of his Profits and Gains chargeable under the said Schedule (D.) in the First Year of this Act to the Assessor of the Parish or Place in which such Profits are chargeable, in order to an Assessment of the Duties thereon being made by the said Commissioners for Special Purposes, and such Person shall at the same Time also deliver to the said Assessor a Notice signed by such Person of his Desire to compound for the Duties thereon in the Manner allowed by this Act; and when such Assessment shall have been made by the said Commissioners (any Appeal allowed by this Act and made against the same having been first determined) it shall be lawful for the said Commissioners for Special Purposes to contract and agree with such Person for a Composition for the said Duties, on the Terms herein-after mentioned, for the Period of Three Years, limited for the Continuance of this Act, provided such Person shall enter into and sign a Contract of Composition within the Space of One Calendar Month next after the making of such Assessment shall have been notified to him, and his Appeal against the same (if any) shall have been determined; and the Terms of such Composition shall be, the Payment in each and every Year of the said Term of the Amount of the said Assessment so made as aforesaid, together with an Addition thereto at and after the Rate of One Shilling for every Twenty Shillings of the Sum assessed as aforesaid, which Addition shall be made by the said Commissioners to the said Assessment so made for the First Year of the said Term, and in each subsequent Year thereof the Assessment of the said Duties under Schedule (D.), upon the Person who shall have entered into such Contract of Composition, shall be made by the Commissioners for Special Purposes in a Sum equal to the aggregate Amount of the said First Year's Assessment, with the said additional Rate thereon; and it shall not be necessary for such Person to deliver any further List, Declaration, or Statement of Profits described in the said Schedule (D.), during the said Term of Composition: Provided always, that if the Person upon whom such Assessment as aforesaid shall have been made shall neglect or refuse to enter into and sign such Contract of Composition within the Time herein limited for that Purpose, the Assessment so made, without the said additional Rate, shall be collected, levied, and recovered in like Manner as any other Assessment made by the Commissioners executing this Act.

After Assessment made by Special Commissioners of Duties under Schedule (D.) Parties may compound thereon for Three Years.

Terms of Composition.

Subsequent Statements unnecessary.

On Refusal to sign Contract, Assessment to be collected in the usual Way.

CXLIV. And be it enacted, That the Contract of Composition may be made in the following Form; *videlicet*,

Form and Requisites of Contract of Composition.

'WHEREAS an Assessment of the Duties on Profits and Gains chargeable under Schedule (D.) of an Act passed in the Year of Queen *Victoria*, intituled *An Act* [*set forth the Title of this Act*], hath been duly made by Two of the Commissioners for Special Purposes acting in the Execution of the said Act, upon *A.B.* of, *&c.*, in the Sum of for the Year ending on the Fifth Day of *April* One thousand eight hundred and forty-three, and the said *A.B.* is desirous of compounding for the said Duties, as allowed by the said Act, for the Term herein-after mentioned:

'We, the undersigned, Two of the Commissioners for Special Purposes acting in the Execution of the said Act, have, by virtue and in pursuance of the Power and Authority thereby given to us in this Behalf, contracted and agreed with the said *A.B.* for a Composition for the said Duties, chargeable or which may become chargeable upon him under the said Schedule (D.), during the Term of Three Years to be computed from the Fifth Day of *April* One thousand eight hundred and forty-two, and the following are the Terms of such Composition; (that is to say,)

'The said *A.B.*, his Heirs, Executors, or Administrators, shall well and truly pay to
'for the Use of Her Majesty, in each and every Year of the said Term, the Sum of
'(being the Amount of the said Assessment, together with an Addition thereto at and after the
'Rate of One Shilling for every Twenty Shillings of the Sum assessed as aforesaid) by Four equal
'quarterly Instalments; (*videlicet;*)
'First Instalment, on or before the Twentieth Day of *June;*
'Second Instalment, on or before the Twentieth Day of *September;*
'Third Instalment, on or before the Twentieth Day of *December;*
'Fourth Instalment, on or before the Twentieth Day of *March*, in each and every Year of
'the Term aforesaid:

'Provided always, that the Instalments now due and payable according to the Tenor of this 'Contract shall be paid, together with the Instalment, on or before the Day 'of now next ensuing.

'Dated this Day of

'(Signed) { Commissioners for Special Purposes under the Act *Vict.* Cap.

'Witness to the signing hereof } 'by the said *A.B.* }

'*A.B.* the Party hereto.'

'Inspector [*or* Surveyor] of Taxes.'

And every such Contract of Composition shall be made in Two Parts, which shall be severally signed by Two Commissioners for Special Purposes, and by the Person compounding, the signing whereof by such Person shall be witnessed and attested by the Inspector or Surveyor of the District in which such Person shall reside, or be chargeable for the said Duties, and one of such Parts of the said Contract so signed shall be delivered to the Person compounding, and the other Part shall be transmitted to the Head Office for Stamps and Taxes in *England* or *Scotland*, as the Case may be; and every such Contract shall be an Authority for the Commissioners for Special Purposes to make an Assessment on the Party compounding for each respective Year of the said Term of Composition in the Sum specified in such Contract as the annual Amount to be paid for such Composition, and to cause the same to be collected, levied, and paid over at such Times and in such Manner, and by all or any of such Ways and Means, as are herein respectively appointed, prescribed, or authorized in relation to any other Assessment made by Commissioners acting in the Execution of this Act: Provided always, that whether any such Assessment as herein-before authorized to be made on the Party compounding shall be made or not, the Sum specified in such Contract of Composition as the annual Amount to be paid by the Party compounding, and the several Instalments thereof, when and as they respectively become payable according to the Tenor and Effect of such Contract, shall be a Debt due to the Queen's Majesty from the said Party compounding, his Heirs, Executors, and Administrators, and shall be recoverable by all or any of the Ways or Means by which any such Debt may be recovered, together with full Costs of Suit, and all Charges and Expences attending the same: Provided also, that if any Person who shall have compounded as aforesaid shall die, or become bankrupt or insolvent, before the Expiration of the said Term of Three Years, his Contract of Composition shall cease and determine on the Fifth Day of *April* next after his Death, Bankruptcy, or Insolvency, save and except as to any Instalment of Duty which before the said Day shall have become payable and shall then remain unpaid.

The Contract to be an Authority for making an annual Assessment on the Party compounding in the Amount specified; and the Amount to be a Debt to Her Majesty, and recoverable accordingly.

Composition to cease on 5th April next after the Death, Bankruptcy, &c. of Compounder.

Penalty for Fraud in compounding.

CXLV. And be it enacted, That if any Person who shall propose to compound for the Duties chargeable under Schedule (D.) of this Act shall wilfully make or deliver any false List, Declaration, or Statement of Profits or Gains described in the said Schedule, or wilfully conceal or omit to state any of such his Profits or Gains, or any Part or Portion thereof, or any other Matter or Thing required by this Act to be stated in such List, Declaration, or Statement, or if any Person shall by any fraudulent Means procure an Assessment to be made upon him for a less Amount of the said Duties than he shall be chargeable with, in order to compound thereon, or if any Person shall by any fraudulent Means whatever cause or procure a Contract of Composition to be made or entered into with him for a less Amount of Duty than he ought to be charged with, every Person so offending in any of the Cases aforesaid shall forfeit the Sum of Fifty Pounds, and the Contract of Composition, if any shall have been made with such Person, shall be void and of no effect, and the Party shall be charged and assessed as if no such Contract had been made: Provided nevertheless, that any Sum of Money which may have been paid under or in pursuance of such Contract shall be forfeited to Her Majesty.

Duties in Schedule (E.), and Rules, deemed Part of this Act;

CXLVI. And be it enacted, That the Duties hereby granted, contained in the Schedule marked (E.), shall be assessed and charged under the following Rules, which Rules shall be deemed and construed a Part of this Act, and to refer to the said last-mentioned Duties as if the same had been inserted under a special Enactment.

SCHEDULE (E.)

Rules for charging the said Duties.

to be charged for all Salaries, Fees, or Profits;

after deducting Duties chargeable on the same by Act of Parliament.

First.—The said Duties shall be annually charged on the Persons respectively having, using, or exercising the Offices or Employments of Profit mentioned in the said Schedule (E.), or to whom the Annuities, Pensions, or Stipends mentioned in the same Schedule shall be payable, for all Salaries, Fees, Wages, Perquisites, or Profits whatsoever accruing by reason of such Offices, Employments, or Pensions, after deducting the Amount of Duties or other Sums payable or chargeable on the same by virtue of any Act of Parliament, where the same have been really and *bonâ fide* paid and borne by the Party to be charged; and each Assessment in respect of such Offices or Employments shall be in force for One whole Year, and shall be levied for such Year without any new Assessment, notwithstanding a Change may have taken place in any such Office or Employment, on the Person for the Time having or exercising the same; provided that the Person quitting such Office or Employment, or dying within the Year, or his Executors or Administrators, shall be liable for the Arrears due before or at the Time of his so quitting such Office or Employment, or dying, and for such further Portion of Time as shall then have elapsed, to be settled by the respective Commissioners, and his Successor shall be repaid such Sums as he shall have paid on account of such Portion of the Year as aforesaid; and each Assessment in respect of such Annuity, Pension, or Stipend shall be in force for One whole Year, unless the same shall cease or expire within the Year, by Lapse, Death, or otherwise, from which Period the Assessment thereon shall be discharged:

Provision respecting Arrears on quitting Office or dying.

Duties to be assessed where the Commissioners execute their Offices.

Second.—The said Duties to be assessed by the respective Commissioners for all the Offices in each Department in the Place where the said Commissioners shall execute their Offices, although certain of the Offices in the same Department may be executed elsewhere, and shall be due and payable from the respective Officers, and their respective Successors, for the Time being:

Description of Offices to be charged.

Third.—The said Duties shall be paid on all public Offices and Employments of Profit of the Description herein-after mentioned within *Great Britain; (videlicet,)* any Office belonging to either House of Parliament,

Sched. (E.) *Rules.*

Parliament, or to any Court of Justice, whether of Law or Equity, in *England* or *Scotland*, *Wales*, the Duchy of *Lancaster*, the Duchy of *Cornwall*, or any Criminal or Justiciary or Ecclesiastical Court, or Court of Admiralty, or Commissary Court, or Court-martial; any public Office held under the Civil Government of Her Majesty, or in any County Palatine, or the Duchy of *Cornwall*; any Commissioned Officer serving on the Staff, or belonging to Her Majesty's Army, in any Regiment of Artillery, Cavalry, Infantry, Royal Marines, Royal Garrison Battalions, or Corps of Engineers or Royal Artificers; any Officer in the Navy, or in the Militia or Volunteers; any Office or Employment of Profit held under any Ecclesiastical Body, whether Aggregate or Sole, or under any public Corporation, or under any Company or Society, whether Corporate or not Corporate; any Office or Employment of Profit under any public Institution, or on any public Foundation, of whatever Nature or for whatever Purpose the same may be established; any Office or Employment of Profit in any County, Riding, or Division, Shire or Stewartry, or in any City, Borough, Town Corporate, or Place, or under any Trusts or Guardians of any Fund, Tolls, or Duties to be exercised in such County, Riding, Division, Shire, or Stewartry, City, Borough, Town Corporate, or Place; and every other public Office or Employment of Profit of a public Nature:

Fees or other Emoluments may be estimated on the Profits of the preceding Year, or on Average of Three Years.

Fourth.—The Perquisites to be assessed under this Act shall be deemed to be such Profits of Offices and Employments as arise from Fees or other Emoluments, and payable either by the Crown or the Subject, in the Course of executing such Offices or Employments, and may be estimated either on the Profits of the preceding Year, or of the fair and just Average of One Year of the Amount of the Profits thereof in the Three Years preceding; such Years in each Case respectively ending on the Fifth Day of *April* in each Year, or such other Day of each Year on which the Accounts of such Profits have been usually made up:

The Duties on Salaries, Fees, Pensions, &c. payable at any public Office, to be stopped in case of Non-payment.

Fifth.—In all Cases where any Salaries, Fees, Wages, or other Perquisites or Profits, or any Annuities, Pensions, or Stipends, shall be payable at any public Office, or by any Officer of Her Majesty's Household, or by any of Her Majesty's Receivers or Paymasters, or by any Agent employed in that Behalf, the Duties chargeable under this Act in respect of such Salaries, Fees, Wages, Perquisites, or Profits, or in respect of such Annuities, Pensions, or Stipends, shall be detained and stopped out of the same, or out of any Money which shall be payable upon such Salaries, Fees, Wages, Perquisites, or Profits, or upon such Annuities, Pensions, or Stipends, or for the Arrears thereof, whenever the same shall happen, and be applied to the Satisfaction of the Duties on such Offices or Employments, or on such Annuities, Pensions, or Stipends respectively, (not being otherwise paid,) in the Manner directed by this Act; and whenever the same so payable shall be assessed by the Commissioners for General Purposes in their respective Districts, they shall transmit an Account of the Amount of the Duty assessed to the Office where the same are payable, in order that the Amount so assessed may be there stopped or detained:

Duties on Salaries, &c. not arising from Offices mentioned in the foregoing Rule to be stopped by Persons paying such Salaries, &c.

Sixth.—In all Cases where the Salaries, Fees, Wages, Allowances, or Profits of any Officer chargeable to the said Duties shall not arise out of any of the Offices mentioned in the foregoing Rule, but shall arise from any other Office or Employment of Profit chargeable to the said Duties, and the Salaries, Fees, Wages, Perquisites, or Profits shall be payable at such Office by any Officer thereof, or by any Receiver of the same respectively, or by any Agent employed in that Behalf, the Duties chargeable under this Act in respect of such Salaries, Fees, Wages, Perquisites, or Profits shall be detained and stopped out of the same, or out of any Money which shall be paid upon such Salaries, Fees, Wages, Perquisites, or Profits, or for Arrears thereof, whenever the same shall happen, and be applied to the Satisfaction of the Duties (not otherwise paid) in the Manner directed by this Act:

Duties charged with Sums payable to any other Persons to be deducted out of such Sums.

Seventh.—Such Portion of the said Duties on Offices or Employments of Profit, or on Annuities, Pensions, or Stipends, as are charged with any Sum of Money payable to any other Person, shall be deducted out of the Sum payable to such other Person as a like Rate on such Sum would amount unto; and all such Persons, their Agents and Receivers, shall allow such Deductions and Payments upon Receipt of the Residue of such Sums:

Duty paid by Principal upon Salary paid to his Deputy, &c. to be deducted out of Salary.

Eighth.—Such Portion of the said Duties charged on any Office or Employment of Profit executed by any Deputy or Clerk, or other Person employed under the Principal in such Office, and paid by such Principal out of the Salary, Fees, Wages, Perquisites, or Profits of such Principal, shall be deducted out of the Salary or Wages so payable as a like Rate on such Salary or Wages would amount unto; and all such Deputies, Clerks, and other Persons so employed shall allow to their respective Principals such Deductions and Payments upon the Receipt of the Residue of such Salaries or Wages:

Payments on Receipt of Salaries, &c., or in passing Accounts, &c. to be deducted.

Ninth.—In estimating the Duty payable for any such Office or Employment of Profit, or any Pension, Annuity, or Stipend, all official Deductions and Payments made upon the Receipt of the Salaries, Fees, Wages, Perquisites, and Profits thereof, or in passing the Accounts belonging to such Office, or upon the Receipt of such Pension, Annuity, or Stipend, shall be allowed to be deducted, provided a due Account thereof be rendered to the said Commissioners, and proved to their Satisfaction:

Pensions payable out of a Branch of Revenue, to be charged there.

Tenth.—In all Cases where any Annuity or Pension shall be payable out of any particular Branch of the public Revenue, and at the Office of that Branch of Revenue, the Commissioners acting for that Department shall have Authority to assess and levy the same as a Salary or Wages payable thereout.

Persons assessed for Offices to be deemed to have exercised the

CXLVII. And be it enacted, That every Person to be assessed for his Office or Employment shall be deemed to have exercised the same at the Head Office of the Department under which such Office or Employment shall be held, and shall be rated for such Office or Employment as if exercised at such Head Office, although the Duties of such Office or Employment shall be performed, or the Profits or any Part thereof

same at the Head Office.

thereof arising from such Office or Employment shall be payable elsewhere, within or out of *Great Britain*; and all Assessments made on any inferior Officer, wherever he shall exercise his Office or Employment, shall be rated accordingly in the same District where such Head Office shall be established; and every Office shall be deemed to belong to and to be assessed by or under the principal Officers of that Department by or under whom the Appointment to such Office was made, provided that where such Appointment shall be made by any inferior Officer in any Department, then such Office shall be assessed by the same Commissioners by whom such inferior Officer shall be chargeable for his Office: Provided that where any such Appointment shall be held under the Great Seal or Privy Seal, either of *England* or *Scotland*, or shall be made under the Royal Sign Manual, or where any such Appointment shall be under the Hands or Seals of the Commissioners of Her Majesty's Treasury, and the same shall not be exercised in the Department of the Treasury, then the Officer holding the same shall be assessed in that Department where the Office shall have been executed: Provided also, that nothing herein contained shall be construed to limit the Right herein-before given to Commissioners of the District of assessing Offices before described within their respective Jurisdictions, although such Offices, or any of them, may not be held under their Appointment, or the Profits of such Offices may not be payable by them or their Order.

In what Departments Officers shall be assessed.

Duties not to extend to Offices necessarily executed in Ireland.

CXLVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to charge any Person resident in *Ireland* with the Duties contained in the said Schedule (E.) in respect of any public Office or Employment the Duties whereof are necessarily and permanently performed in *Ireland*.

Certain Allowances to Trustees of British Museum, and the like Exemptions as now allowed to charitable Institutions.

CXLIX. Provided always, and be it enacted, That the like Allowances shall be granted to the Trustees of the *British Museum* in respect of any Charge under Schedule (A.) to be made on the Lands and Tenements vested in such Trustees, as are granted to Colleges and other Properties mentioned in No. VI. of that Schedule; and the like Exemptions shall be allowed in respect of any Dividends or Stock vested in such Trustees, or any of them, or in any other for their Use, as are granted to charitable Institutions by this Act; and no Salary or Payment made or to be made out of Her Majesty's Exchequer to such Trustees for the Use of such Institution shall be charged at the said Exchequer, provided all Salaries of Officers or Persons employed under the said Trustees shall be charged on the said Officers respectively.

Commissioners on Offices to take the Oaths prescribed, and to have Power to appoint Clerks, Assessors, and Collectors, from the Officers in their Departments.

CL. And be it enacted, That the several Commissioners authorized to act in the Execution of this Act in relation to the Duties on Offices or Employments of Profit, and on Pensions or Stipends, as soon after their Appointment respectively as conveniently can be done in their respective Departments, shall mee in some convenient Place, in order to qualify themselves by taking the Oaths prescribed by the said recited Acts relating to the Duties of Assessed Taxes, and shall have Power to elect a Clerk and Assessors, and in Cases where the Duties cannot be stopped and detained at the Department of Office of the said Commissioners, or for which the said respective Commissioners shall act, Collectors of the said Duties to be assessed by them from and amongst the Officers in their respective Departments, and separate Assessors and Collectors in each such Department, under the Cognizance of the same Commissioners, which Assessors shall, within a Time to be fixed by the respective Commissioners, deliver to them their Certificates of Assessment, in Writing under their Hands, to be verified upon their Oaths, of the full and just annual Value of all Offices and Employments of Profit chargeable under this Act in the Department for which they shall be appointed Assessors, and of all Pensions and Stipends, estimated according to this Act, with the Names and Surnames of the several Officers and Persons entitled to Pensions or Stipends, and the several Sums of Money they ought to pay by virtue of this Act, at the Rate of Seven-pence for every Twenty Shillings of such Value, without Abatement or Deduction, and without Concealment or Favour, upon pain of Forfeiture for every Neglect in the Premises of any Sum not exceeding One hundred Pounds nor less than Twenty Pounds, which said Assessors are hereby strictly enjoined and required, with all Care and Diligence, to charge and assess themselves, and all other Officers, Clerks, and Persons employed in their respective Departments of Office, and with respect to the Duty on Pensions or Stipends to charge and assess all Persons entitled unto any such Pensions or Stipends, and respectively to make their Assessments according to the Provisions of this Act; and every such Assessor shall have free Access to all Documents and Papers whatever in their respective Offices touching the Salaries, Fees, Wages, Perquisites, and Profits of any Officer, Clerk, or Person aforesaid, belonging to their respective Offices, and touching the Amount of the respective Pensions or Stipends, and shall be at liberty, whenever the same may be necessary, to require Returns from the Parties themselves, according to the Provisions of this Act, that they may be enabled to make a true Assessment in pursuance thereof.

All such Assessors to have Access to Documents, and may require Returns.

Statements of Profits arising from Offices not required under a general Notice.

CLI. Provided always, and be it enacted, That no Person shall, in respect of the Profits arising from Offices or from Pensions or Stipends chargeable before the respective Commissioners appointed for those Purposes in their respective Departments of Office as aforesaid, be liable to the Penalty herein contained for not returning a Statement of the Profits arising from such Office, Pension, or Stipend, in pursuance of any general Notice herein-before directed, nor in any Case except where the Assessor for those Profits respectively shall have required a Return thereof in pursuance of the next preceding Clause.

The full Value of Offices to be stated, although Exemptions are claimed.

CLII. And be it enacted, That in every Case where any Person holding such Offices or Employments, or being entitled unto any Pension or Stipend as aforesaid, shall claim to be exempt from such Assessment, the Commissioners shall nevertheless set down in such Assessment the Names of such Persons, and the full and just annual Value of such Offices, Employments, Pensions, or Stipends; and the Claim to such Exemption shall be preferred and examined, and the Merits thereof shall be heard and determined, under the Regulations of this Act with respect to other Assessments.

CLIII. And

Deputies to pay for Principals where they are in the Receipt of the Profits, and Officers receiving Salaries or Fees to be answerable for Duties.

CLIII. And be it enacted, That where any Office or Employment of Profit chargeable by this Act is or shall be executed by Deputy, such Deputy shall, in all Cases where he shall be in the Receipt of the Profits thereof, be answerable for and shall pay such Assessment as shall be charged thereon, and deduct the same out of the Profits of such Office or Employment; and where the Salaries, Fees, Wages, Emoluments, or Profits of any Officer or Officers in any such Office shall be receivable by any One or more of the said Officers for the Use of such Officer, or as a Fund to be divided amongst such Officers in certain Proportions, the Officer or Officers receiving such Salaries, Fees, Wages, Perquisites, or Profits shall be answerable for the Duties charged thereon, and shall pay the same, and deduct the same out of the Funds provided for such respective Offices or Employments, before any Division or Apportionment thereof, and in case of Refusal or Nonpayment thereof shall be liable to such Distress as by this Act is prescribed against any Person having the Office or Employment, and to all other Remedies and Penalties respectively herein contained.

Assessors to be furnished with Accounts of Salaries, &c. in public Departments; and may require Returns of Salaries and Profits of Offices.

CLIV. And be it enacted, That the proper Officers, or their respective Deputies, and the Receivers and Paymasters in every public Department of Office, and in every other Office for which Commissioners are hereby intended to be appointed for raising the Duties hereby charged on such Offices respectively, and any Agent by whom any Salaries, Fees, Wages, Perquisites, or Profits shall be payable, shall, upon Request to him made by the Assessors of the said Duties, deliver *gratis* true Lists or Accounts of all such Salaries, Fees, Wages, Perquisites, and Profits received by him, and belonging to such Officers respectively, and of all Pensions and Stipends payable to them respectively, for the better Guidance of the said Assessors in charging the same; and if the said Assessors shall be dissatisfied with such Accounts it shall be lawful for them to require any Officer whose Office shall not be truly valued in such Account to prepare and produce to them, within the like Period of Time as is limited for the Returns of other Accounts by this Act, a List or Account of the Salaries, Fees, Wages, Perquisites, and Profits of the Office exercised by him, which Returns such Officer shall be obliged to make under the Penalties and Forfeitures contained in this Act for not making other Returns hereby required; and from the Documents and Papers in their respective Offices the said Assessors shall make their Assessment upon the Persons holding such Offices, or entitled unto such Pensions respectively, according to the annual Value thereof, and shall in like Manner as is before directed with respect to Assessors for any Parish or Place bring in their said Assessments to the respective Commissioners for their Allowance, who shall forthwith set their Hands to the same, which Assessments shall be in force for One Year, commencing and payable at the like Periods as the Assessments in Parishes are made payable; and the said respective Commissioners for the Duties on Offices shall, in all Cases where Collectors are authorized to be appointed, cause the like Duplicates to be made thereof, and delivered to Collectors, with like Warrants to collect the said Duties, as are before directed to be given to Collectors for any Parish or Place; and the said Collectors of the said Duties on Offices shall have the like Authority to demand and levy the said Duties as is herein given to Collectors of any Parish or Place: Provided always, that in all Cases where the Duties, and any Salaries, Fees, Wages, Perquisites, or Profits of any public Office shall be detained and stopped out of the same, or out of any Monies which shall be paid thereupon, the respective Commissioners shall cause the like Duplicates to be delivered to the proper Officers in the respective Offices, who shall keep true Accounts of all Monies stopped and detained under the Authority of this Act, and shall be answerable for the same; and the Money so detained of the Duty on Annuities, Pensions, or Stipends shall be accounted for and paid in the Manner herein-after directed.

To make up their Assessments from the Documents in their Offices, and deliver them to the Commissioners.

Duties on Offices which cannot be stopped to be certified, in case of Nonpayment, to the Commissioners of the District where the Parties reside, who shall issue their Warrants for levying the same.

CLV. And be it enacted, That where any Person, having, using, or exercising any Office or Employment of Profit which shall be charged to the Duties by this Act granted thereon, and the said Duties cannot be detained and stopped in the Hands of the proper Officer, or in the Hands of any Agent employed to pay the Monies due in respect of the said Office or Employment, or the same Monies shall have been paid over to the Person having, using, or exercising the said Office or Employment, and such Person shall refuse or neglect to pay the Sum of Money charged upon him, the Commissioners for raising the Duties on the said Offices shall and may, by Writing under their Hands and Seals, certify such Neglect or Refusal, and the Sum payable by virtue of this Act, to the Commissioners for executing this Act, in relation to Lands, Tenements, and Hereditaments, in the Parish or Place where such Officer shall reside; and such last-mentioned Commissioners are hereby authorized and required, upon Receipt of such Certificate, by Warrant under their Hands and Seals, to authorize and empower the respective Collectors of the said Duties, or the Collectors of the Parish or Place where such Officer shall reside, to levy the same, by such Ways and Means as they are authorized to levy the Duties charged by them respectively in pursuance of this Act; and such Collectors are hereby required to execute such Warrant accordingly, and which shall be executed under the like Powers and in like Manner as is herein-after directed, and as if such Officer were charged to the said Duties in such Parish or Place; and the Monies arising thereby shall be paid to the Collectors charged to the said Duties on such Office or Employment.

No Qualification to be required of Commissioners on Offices, &c.

CLVI. Provided always, and be it enacted, That no Qualification shall be required of any of the Officers or Persons herein described to be Commissioners for the Duties on Offices, or on Employments of Profits, or on Pensions, Stipends, Annuities, Interests, or Dividends, contained in the said several Schedules, who shall act as such Commissioners by virtue of their several Offices, other than such Offices respectively; any thing herein contained to the contrary notwithstanding.

Officers acting in raising the Duties on Offices liable

CLVII. And be it enacted, That the respective Assessors and Collectors appointed to raise and assess, or levy, collect, and pay, the Sums of Money to be charged on Offices or Employments of Profit, or on Annuities, Pensions, or Stipends payable by Her Majesty by virtue of this Act, and also the Inspectors and

to Penalties for Default.

and Surveyors acting in relation to the said Duties, shall respectively be subject to the Penalties and Forfeitures for refusing or neglecting the Performance of their Duty, or for being guilty of any Fraud or Abuse in executing the same, as are inflicted on such Officers respectively for the like Offences by the said Acts relating to the Duties of Assessed Taxes.

When Duties are to be detained.

CLVIII. Provided always, and be it enacted, That such of the said Duties granted by this Act which may be detained or stopped and deducted out of the Sums in respect whereof they shall be charged or deducted shall be respectively detained at such Times in each Year as the said Sums shall be payable to the Person entitled thereto.

What Deductions shall not be allowed in computing the Duties to be charged under this Act.

CLIX. And be it enacted, That in the Computation of Duty to be made under this Act in any of the Cases before mentioned, either by the Party making or delivering any List or Statement required as aforesaid, or by the respective Assessors or Commissioners, it shall not be lawful to make any other Deductions therefrom than such as are expressly enumerated in this Act, nor to make any Deduction on account of any annual Interest, Annuity, or other annual Payment to be paid to any Person out of any Profits or Gains chargeable by this Act, in regard that a proportionate Part of the Duty so to be charged is allowed to be deducted on making such Payments, nor to make any Deduction from the Profits or Gains arising from any Property herein described, or from any Office or Employment of Profit, on account of Diminution of Capital employed or of Loss sustained in any Trade, Manufacture, Adventure, or Concern, or in any Profession, Employment, or Vocation.

Commissioners to settle Differences respecting Deductions to be made on account of Duties.

CLX. And be it enacted, That if any Difference shall arise between Tenant and Landlord, or any other Persons to whom any Interest, Rent, Rent-charge, Annuity, Fee Farm Rent, Rent Service, Quit Rent, Feu Duty, or other Rent or annual Payment shall be payable, *touching* the Sums to be deducted thereout on account of the Duties hereby charged having been paid, or between the Occupier for the Time being and any former Occupier of any Lands, Tenements, Hereditaments, or Heritages, his Executors, Administrators, or Assigns, touching the Proportion of Duty to be paid or allowed by either Party, the respective Commissioners for General Purposes in their several Districts shall have Authority and they are hereby required to settle the Proportions of such Payments and Deductions as shall be according to the Directions of this Act, and in default of Payment to levy the same respectively under the like Powers as they might have levied the same if the Assessment had been made in the same Proportions, and to pay over the same to the Collector or Party, as the Case may require; and the Judgment and Determination of such Commissioners shall be final.

Inspectors and Surveyors to have Access to Returns and Assessments, with Liberty to amend them, and make Surcharges.

CLXI. And be it enacted, That the several Inspectors and Surveyors appointed or to be appointed shall be and they are hereby empowered respectively to inspect and examine all and every the Returns made by any Person under the Directions of this Act; and in case any of them shall be dissatisfied either with the Returns so made, or the Estimate of the Assessor thereon, or shall discover any Error or Omission in such Estimate, or that any Deduction hath been allowed not authorized by this Act, they shall charge the same, according to the best of their Judgment, in the full Amount at which the same ought to be charged; and the said Inspectors and Surveyors shall also be at liberty respectively to inspect and examine all and every the Assessments of the said Duties, or any of them, made under the Authority of the respective Commissioners before mentioned, as well before as after the Commissioners shall have signed and allowed the said Assessments, and before such Allowance to correct and amend such Assessments, if they shall respectively think fit; and every Person in whose Custody such Returns are is hereby required, upon the Request of any such Inspector or Surveyor as aforesaid, to deliver the same into his Custody, for the Purposes of this Act, taking his Receipt for the same, and every Person in whose Custody any such Assessments shall be is also hereby required, upon the Request of such Inspector or Surveyor as aforesaid, to produce the same, and such Inspector or Surveyor is hereby authorized to take charge of the same until he shall have taken such Copies of or Extracts from the same as may be necessary for his better Information; and every Person wilfully obstructing such Inspector or Surveyor in the due Performance of his Duty as aforesaid shall forfeit the Sum of Fifty Pounds; and if any such Inspector or Surveyor shall find or discover, upon his Survey or Examination, or otherwise, that any Person, Corporation, Company, or Society who ought to be charged with the said Duties or any of them, shall have been omitted to be charged therewith, or shall have been under-rated in the Assessment, or that any Person, or the Officer of any Corporation, Company, or Society, liable to the said Duties or any of them, being required so to do, hath neglected or refused to make a Return according to the Directions of this Act, or that the Assessors have neglected to require a Return in any Case where a Return ought to have been required from any Person, Corporation, Company, or Society, according to the Intent of this Act, so that such Person, Corporation, Company, or Society shall not have been fully charged to the said Duties, then and in every such Case the said Surveyor or Inspector shall certify the same in Writing under his Hand, together with an Account of every Default, and the full Amount of the Duty which ought to be paid by way of Surcharge, to the said respective Commissioners for putting in execution this Act in relation to the Duties on which such Surcharge shall be made, in the Manner and under and subject to the Rules and Regulations prescribed and contained in the said Two several recited Acts of the Forty-eighth and Fiftieth Years of the Reign of King *George* the Third, herein-before recited or referred to.

Surcharges, if confirmed, to be in Treble Duty, in certain Cases.

CLXII. And be it enacted, That upon every Surcharge allowed upon Appeal by the said Commissioners, upon the Certificate of the Inspector or Surveyor, as directed by this Act, in Cases where no such Declaration shall have been delivered as in the said recited Act of the Fiftieth Year of the Reign of King *George* the Third is required, or the Commissioners shall be dissatisfied with the same, the

Assessment

Assessment shall be made in Treble the Rate of Duty prescribed in the said respective Schedules of this Act on the Amount of the Duty surcharged: Provided always, that if upon Appeal such Declaration as aforesaid shall have been delivered, and if the said Commissioners shall be satisfied therewith, and shall be of opinion that there was any reasonable Cause of Controversy on the Part of the Appellant on the Subject Matter of Appeal, and that the Party hath not been guilty of any wilful Default, Neglect, or Omission, nor wilfully done any Act with Intention to defraud the Revenue, it shall be lawful for the said Commissioners who shall have determined the said Appeal, although they shall confirm or allow the Surcharge, or a Part thereof only, at the same Time to remit and strike off the Whole or any Part of the said Treble Duty; and the Overplus of the Sum so charged above the said Rate or Duty, and which shall not be so remitted or struck off as aforesaid, shall be paid to the Officer for Receipt, to the Use of Her Majesty; which Increase of Duty, made by occasion of such Surcharge, together with the Overplus aforesaid above the said Rate of Duty, and all other Increase of Duty occasioned by the Surcharge or Information of any Inspector or Surveyor under this Act, the Commissioners for executing this Act who shall have confirmed such Surcharge or made such Increase shall at the same Meeting certify under their Hands to the Commissioners of Stamps and Taxes, who shall have Authority, under and subject to such Rules and Regulations as shall have been made by the Commissioners of Her Majesty's Treasury in that Behalf, to direct the said Officer for Receipt to pay to the said Inspector or Surveyor, out of the increased Duty and Overplus aforesaid, such Sum of Money as shall appear to the said Commissioners of Stamps and Taxes to be an adequate Reward for the Labour and Diligence of the said Inspector or Surveyor.

Upon Appeal, the Whole or a Part of the Treble Duty may be remitted.

Payment of Overplus.

Increase of Duty, &c. by Surcharge to be certified to Commissioners of Stamps and Taxes, who shall have Authority to reward Inspector or Surveyor.

CLXIII. Provided always, and be it enacted, That any Person charged or chargeable to the Duties granted by this Act, either by Assessment, or by way of Deduction from any Rent, Annuity, Interest, or other annual Payment to which he may be entitled, who shall prove before the Commissioners for General Purposes, in the Manner herein-after mentioned, that the aggregate annual Amount of his Income, estimated according to the several Rules and Directions of this Act, is less than One hundred and fifty Pounds, shall be exempted from the said Duties, and shall be entitled to be repaid the Amount of all Deductions or Payments on account thereof in the Manner herein-after directed, except so much of such Duties as the Person claiming such Exemption shall or may be entitled to charge against any other Person, or to deduct or retain from or out of any Payment to which such Claimant may be or become liable; and such Exemption shall be claimed and proved, and the Proceedings thereupon shall be had, before the Commissioners for General Purposes in the District where the Claimant shall reside, pursuant to and under the Powers and Provisions by which the Duties in Schedule (D.) are herein directed to be ascertained and charged, but nevertheless subject to the Rules and Directions herein-after contained.

Exemption of Persons whose Income is less than 150*l.* per Annum.

CLXIV. And be it enacted, That every Person claiming to be entitled to such Exemption as last aforesaid shall, within the Time to be limited as herein-before directed for delivering in the Lists, Declarations, and Statements required by this Act (or within such further Time as the said Commissioners shall for special Cause assigned allow), deliver or cause to be delivered to the Assessor of the Parish or Place where such Claimant shall reside a Notice of his Claim for such Exemption, together with a Declaration and Statement, signed by such Claimant, and in such Form as may be provided under the Authority of this Act, declaring and setting forth therein all the particular Sources from whence the Income of such Claimant shall arise, and the particular Amount arising from each Source, and also every Sum of annual Interest or other annual Payment reserved or charged thereon, whereby the Income shall or may be diminished, and also every Sum which such Claimant may have charged or may be entitled to charge against any other Person for or on account of the Duty made payable by this Act, or which he may have deducted or retained, or may be entitled to deduct or retain, under the Authority of this Act, from or out of any Payment to which he may be or become liable; which Declaration and Statement every Inspector or Surveyor shall be at liberty to peruse and examine, and to take Copies of or Extracts from, under the like Powers as in other Cases; and in every Case where such Claim for Exemption shall be made in manner aforesaid the Assessor shall transmit such Notice, Declaration, and Statement to the said Commissioners; and if the Inspector or Surveyor shall not object to such Declaration within Forty Days after such Transmission, or within such further Time as the Commissioners, on just Cause, shall allow to him to make such Objection, it shall be lawful for the said Commissioners to allow such Claim of Exemption, and to discharge the Assessment made upon any Property or Profits of such Person, either in his own Name or in the Name of his Lessee or Tenant, within the District of the said Commissioners; and if it shall appear that any Property or Profits of such Person is or are assessed or liable to be assessed in any other District, the said Commissioners shall certify to the Commissioners of Stamps and Taxes, in such Form as shall be provided under the Authority of this Act, the Allowance of such Exemption; and the said last-mentioned Commissioners shall direct the Assessment made upon any Property or Profits of such Claimant, either in his own Name or in the Name of his Lessee or Tenant, in any other District to be discharged, and the same shall be discharged accordingly: Provided always, that in case the Inspector or Surveyor shall object to any such Claim as aforesaid in Writing, suggesting to the said Additional Commissioners that he hath Reason to believe that the Income of such Claimant, or any other Particular required by this Act to be declared or set forth in such Declaration and Statement as aforesaid, is not truly or fully declared or set forth therein in any specified Particular, then and in such Case the Merits of such Claim for Exemption shall be heard and determined upon Appeal before the Commissioners for General Purposes, under and subject to such Rules, Regulations, and Penalties as other Appeals under this Act are directed to be heard and determined, and if such Claim shall be allowed on Appeal as aforesaid the

Mode of claiming Exemption, and of proceeding on such Claim.

If Inspector or Surveyor object to the Claim, the same to be determined by the Commissioners for General Purposes.

the said Commissioners for General Purposes shall grant and issue all necessary Certificates consequent thereon.

On Proof that Persons entitled to Exemption have been charged Duties by Deduction from any Annuity, Dividend, Rent, &c., Commissioners to grant a Certificate thereof, which shall authorize the Collector or Receiver to repay the Amount of such Duties.

CLXV. Provided always, and be it enacted, That if it shall be proved to the Satisfaction of the Commissioners for General Purposes that any Person whose Claim for Exemption has been allowed in manner aforesaid has been charged to and has paid any of the Duties hereby granted, by way of Deduction, from any Rent, Annuity, Interest, or other annual Payment to which he may be entitled, and from which a Deduction is authorized to be made by this Act, or that such Person has been assessed and has paid such Duties in respect of any Annuity, Dividend, Pension, or Stipend payable to him out of the public Revenue of the United Kingdom, then and in such Case it shall be lawful for the said Commissioners for General Purposes to certify what shall have been so proved before them to the Commissioners for Special Purposes at the Head Office for Stamps and Taxes in *England*, by a Certificate in such Form as shall be provided under the Authority of this Act, specifying and describing the Amount and the particular Nature of the Payment out of which and the Name and Place of Abode of the Person by whom such Deduction as aforesaid shall have been made, and specifying also the Amount and Description of the Annuity, Dividend, Pension, or Stipend in respect of which such Claimant has been assessed, and the Duties whereon he has paid; and thereupon the said last-mentioned Commissioners shall issue to such Claimant an Order for the Repayment to him of the Amount of the Duties certified to have been paid as aforesaid, and such Order shall be directed to the Receiver General of Stamps and Taxes, or to an Officer for Receipt or Collector of the Duties granted by this Act, or to a Distributor or Sub-Distributor of Stamps, and shall authorize and require the Repayment of the said Duties in like Manner as is herein-before provided with respect to the Allowances to be granted under No. V. of Schedule (A.) of this Act.

Penalty for making fraudulent Claims of Exemption.

CLXVI. And be it enacted, That if any Person shall be guilty of any Fraud or Contrivance in making any such Claim, or in obtaining any such Exemption or any such Certificate as aforesaid, or shall fraudulently conceal or untruly declare any Income or Amount of Income, or any Sum which he may have charged or been entitled under the Authority of this Act to charge against any other Person, or which he may have deducted or retained, or have been or be entitled as aforesaid to deduct or retain, from or out of any Payment to which such Person claiming Exemption as aforesaid may be or become liable, or if any such Person shall fraudulently make a Second Claim for the same Cause, every such Person so offending in any of the Cases aforesaid shall forfeit the Sum of Twenty Pounds, and Treble the Duty chargeable in respect of all the Sources of his Income, and as if such Claim had not been allowed; and if any Person shall knowingly and wilfully aid, abet, or assist any such Person in committing any such Fraud as aforesaid, the Person so aiding, abetting, or assisting shall forfeit the Sum of Fifty Pounds.

Income arising from Lands, how to be estimated with reference to Claims for Exemption.

CLXVII. And be it enacted, That the annual Value of Lands, Tenements, Hereditaments, or Heritages, belonging to or in the Occupation of any Person claiming the said Exemption, shall be estimated, for the Purpose of ascertaining his Title to such Exemption, according to the Rules and Directions contained in the said several Schedules (A.) and (B.) respectively; and that the Income arising from the Occupation by such Claimant of Lands, Tenements, Hereditaments, or Heritages chargeable under the said Schedule (B.) shall be deemed for the Purpose aforesaid to be equal in *England* to One Half and in *Scotland* to One Third of the full annual Value thereof, estimated according to the said Rules and Directions; and where such Claimant shall be the Proprietor as well as the Occupier of any such Lands, Tenements, Hereditaments, or Heritages, the Amount deemed by this Act as aforesaid to be the Income arising from the Occupation of such Lands, Tenements, Hereditaments, or Heritages shall be added to the Amount of the full annual Value thereof, and the aggregate Amount shall be deemed for the Purpose aforesaid to be the Income of such Claimant arising from the Lands, Tenements, Hereditaments, or Heritages of which he shall be the Proprietor and Occupier as aforesaid; and the Income arising from any Lease of or Composition for Tithes shall be deemed, for the Purpose aforesaid, to be equal to One Fourth of the full annual Value of such Tithes, estimated in manner aforesaid.

Joint Tenants, &c. may severally claim Abatements.

CLXVIII. And be it enacted, That Coparceners, Joint Tenants, or Tenants in Common of the Profits of any Property whatever, and any Joint Tenants or Tenants of Lands or Tenements in Partnership, being in the actual and joint Occupation thereof in Partnership, and entitled to the Profits thereof in Shares, and personally labouring therein, or managing the same, and any Partners carrying on Trade or exercising any Profession together, and entitled to the Profits thereof in Shares, and personally acting therein, may severally claim such Exemption according to their respective Shares and Interests in the Manner before directed; and such Claims, being duly proved to the Satisfaction of the Commissioners to whom the same are made, may be proceeded upon as in the Cases of several Interests: Provided always, that the Profits so arising shall not in any Case be charged separately to the Duty in respect of the Occupation of Lands, where Lands shall be let or underlet, without relinquishing the Possession by the Lessor, or where the Lessee or Tenant shall not be exclusively in the Possession and Occupation of the Lands so let.

Exceptions.

Claim to be made where Claimant resides, or in Case of Offices, &c. before Commissioners of the Department.

CLXIX. Provided always, and be it enacted, That every such Claim for Exemption shall be made to the Commissioners of the District where the Claimant shall reside, whether such Claimant shall be personally charged in such District or not, except where the whole Income of the Claimant shall arise from an Office or Employment of Profit the Duties whereon are cognizable before the Commissioners of a Department of Office, or from a Pension or Stipend, in all which Cases the Claim may be made to and allowed by the Commissioners of such Department wherein the said Duties are cognizable under the Regulations of this Act; and if such Claimant shall be out of *Great Britain*, an Affidavit, stating the

several

several Matters required by this Act, taken before any Person having Authority to administer an Oath in the Place where such Claimant shall reside in any Matter relating to any Part of the public Revenue of *Great Britain*, may be received by the respective Commissioners for executing this Act in relation to the Assessment on which such Claim shall be founded.

Persons out of Great Britain may claim by Affidavit.

CLXX. And be it enacted, That any such Claim for Exemption may be made by any Guardian, Trustee, Attorney, Agent, or Factor, on account of others, in any Case where satisfactory Proof shall be made that the Party claiming such Exemption is unable to attend in Person, or such Claim may be made by the several Persons acting in any of the Characters herein-before described, in such Manner as they may act for others, for the Purpose of being assessed on their Account in the first instance, as herein-before directed.

Claims may be made by Agents or Trustees on account of others.

CLXXI. And be it enacted, That whenever any Person shall have been assessed to any of the Duties granted by this Act, whether charged on him on his own Account, or in any of the Characters herein-before described on the Behalf of any other Person, and shall, by any Error or Mistake, be again assessed for the same Cause, and on the same Account, and for the same Year, it shall be lawful for him to apply to the Commissioners for General Purposes acting for the Division or Place for which he shall have been so assessed by Error or Mistake as aforesaid, for the Purpose of being relieved from such Double Assessment, and the said Commissioners, on due Proof thereof to their Satisfaction, shall cause such Assessment, or such Part thereof as shall be a Double Charge as aforesaid, to be vacated, and which Proof may be either by a Certificate of the Assessment made on the Party, under the Hands of the Commissioners by whom he shall have been rightly assessed according to the Directions of this Act for the Matter or Cause in question, certifying that such Matter or Cause is included in an Assessment made by them on the same Party, on the same Account, and for the same Year, or by other lawful Evidence given of those Facts on the Oath of any credible Witness; and whenever it shall be proved to the Satisfaction of the Commissioners of Stamps and Taxes that any such Double Assessment as aforesaid hath been made, and hath not been vacated, and that Payment hath been made of both Assessments, it shall be lawful for the said Commissioners of Stamps and Taxes to order and direct the Receiver General of Stamps and Taxes, or any Officer for Receipt, to repay to the Party the Sum so erroneously and doubly assessed upon him, and paid as aforesaid.

Commissioners to grant Relief from Double Assessments.

CLXXII. And be it enacted, That the respective Commissioners executing this Act in relation to any of the Duties hereby granted shall, within One Calendar Month after the First Day of hearing Appeals, all Appeals then made being first determined, issue out and deliver to the respective Collectors Duplicates of the Assessments of the aforesaid Duties charged at the respective Rates mentioned in the respective Schedules of this Act, together with their Warrants, as directed by the said several Acts relating to the Duties of Assessed Taxes for the speedy and effectual levying and collecting of the said Duties assessed under this Act, as the same shall become payable, by quarterly Instalments, as herein directed, distinguishing the Amount charged under each of the said Schedules: Provided always, that all such Duties as shall be assessed or charged under any of the Provisions of this Act, if not paid, levied, or collected according to the Directions herein mentioned, shall be recoverable as a Debt to the Queen's Majesty, with full Costs of Suit, and all Charges and Expences attending the same; and when so recovered the said Duties shall be paid to the proper Officer for Receipt, in aid of the Parish or Place answerable for the same.

Commissioners to issue Duplicates of Assessments to Collectors, with Warrants to collect the same.

CLXXIII. And be it enacted, That where any Person chargeable with the Duties hereby made payable as aforesaid shall be under the Age of Twenty-one Years, or where any Person so chargeable shall die, in every such Case the Parents, Guardians, or Tutors of such Infant, upon default of Payment by him, and the Executors and Administrators of the Person so dying, shall be and are hereby made liable to and charged with the Payments which the said Infant ought to have made, or the Person so dying was chargeable with; and if such Parents, Guardians, or Tutors, or such Executors or Administrators, shall neglect or refuse to pay as aforesaid, it shall be lawful to proceed against them in like Manner as against any other Person making default of Payment of the said Duties; and all Parents, Guardians, or Tutors making Payment as aforesaid shall be allowed every Sum paid for such Infants in their Accounts, and all Executors and Administrators shall be allowed to deduct all such Payments out of the Assets of the Person so dying.

Parents and Guardians liable for Infants, and Executors for Persons dying.

CLXXIV. And be it enacted, That in *England* the Parish or Place in which any Assessment shall have been made of the Duties granted by this Act under any of the Schedules marked respectively (A.), (B.), or (D.) shall be answerable for the Amount of the Duties which shall have been so charged in such Parish or Place, and for the said Duties being duly demanded of the respective Persons charged therewith, according to the Regulations contained in the said Acts relating to the Duties of Assessed Taxes, by the Collector appointed for such Parish or Place, and also for such Collector duly paying the Sums by him received to the proper Officer for Receipt of the said Duties, according to such Regulations; and any of the Arrears of the said Duties by this Act granted, caused by or arising from any Neglect, Default, or Failure of any Collector for which any Parish or Place shall be answerable as aforesaid, shall be assessed within or upon such Parish or Place as soon after such Default shall be discovered as conveniently can be done, and shall be charged on the Amount of the Assessment which shall be made for the same Duties in the Year commencing from the Fifth Day of *April* preceding the Time of making such Re-assessment, by duly apportioning the Amount of such Arrear amongst the several Persons assessed in that Year in the Assessment of the same Duties on which such Arrear shall have accrued, according to the Amount of each Person's Assessment therein, as nearly as the Case will admit,

Parish to be answerable for Collectors in England.

Arrears to be re-assessed.

and by the like Rules, Methods, and Directions by which the original Assessment was made, to be raised and levied in such Manner as any Assessment may be by virtue of this Act raised and levied under the Regulations of the said Acts respectively.

Commissioners to adjust Times of Payment, if the appointed Days are elapsed; and Sums to be paid, not less than the Amount of Two Instalments on each Day.

CLXXV. And be it enacted, That if it shall happen that this Act shall not be executed previous to the Time appointed for the Payment of the first or any subsequent Instalment of the said Duties, or within the Year of Assessment, it shall be lawful for the Commissioners executing this Act who shall have made or allowed any Assessment after the Period appointed for any such Payment, which they are hereby declared to be competent to do, from Time to Time when and as the same shall be necessary, to settle and adjust at what Time and in what Proportions any Instalment of which the Time for Payment shall then have elapsed shall be paid, in such Manner as to them shall appear just and reasonable, Regard being had to the Number of Days appointed for the Payment of Instalments then to come (if any) in the Year of making the Assessment; provided that on or before every quarterly Day of Payment as herein mentioned after the making of such Assessment in the same or any subsequent Year the said Commissioners shall direct at least the Amount of Two quarterly Payments to be made, until all Arrears, either for that or any former or subsequent Year, shall have been completed.

Assessments to be for One Year, payable by Four Instalments.

CLXXVI. And be it enacted, That every Assessment to be made under this Act within the Year appointed for making the same shall be deemed to be for the current Year, and shall be in force for such Year; and every Assessment made after the Expiration of any Year in which the same ought to have been made shall be deemed to be for the whole of the Year current when the Assessment ought to have been made, and such Year shall commence from the Fifth Day of *April* One thousand eight hundred and forty-two, for the first Assessment, and for every subsequent Assessment during the Continuance of this Act from the Fifth Day of *April* in such Year; and the said Duties which shall be charged in *England*, except where the same shall be detained and stopped at the respective Offices, shall be payable in each Year by Four quarterly Instalments at the Times following; *videlicet*, on or before the Twentieth Day of *June* for the first quarterly Instalment, on or before the Twentieth Day of *September* for the second quarterly Instalment, on or before the Twentieth Day of *December* for the third quarterly Instalment, and on or before the Twentieth Day of *March* for the last quarterly Instalment, in each Year; and in *Scotland*, the said Duties shall be payable by Two half-yearly Instalments; *videlicet*, on or before the Twentieth Day of *September* for the first half-yearly Instalment, and on or before the Twentieth Day of *March* for the last half-yearly Instalment; the Payment thereof for the first Assessment to be regulated as to the Proportion of the Sums and Times of Payment by the respective Commissioners pursuant to the Directions herein contained.

If Persons come to reside in a Parish in which they have not been before charged Assessor to give them Notice to declare where they were charged, or to deliver a Statement, for the Purpose of being assessed, under a Penalty for Neglect.

CLXXVII. And be it enacted, That if any Person shall come into any Parish or Place wherein such Person shall not have been before charged to the said Duties contained in any of the said Schedules for the same Year, the Assessor or Collector, or any Inspector or Surveyor, shall give or leave Notice in Writing to or for such Person to make out and deliver, within Fourteen Days next ensuing the Day of giving such Notice, a Declaration in Writing, signed by him with his own proper Name, which shall specify the Name of the Parish or Place and County wherein such Person shall have been assessed as aforesaid for such Year, and also to produce the Certificate of such Assessment, or in default thereof to deliver a Statement for the Purpose of being assessed in such Parish or Place; and if any such Person as aforesaid shall neglect or refuse to make out and sign and deliver such Declaration or Statement as aforesaid, within the Time before mentioned, or shall make any false or untrue Return therein in any Particular thereof, he shall forfeit a Sum not exceeding Twenty Pounds; and when in any Case it shall not appear in the Assessment of any Parish or Place for that Year that any Person residing or being therein shall have been assessed to the said Duties in the same Parish or Place, then and in such Case it shall be lawful for the respective Commissioners acting for the said District and they are hereby required to proceed in manner before directed to assess such Person to the said several Duties, in like Manner in every respect as if such Person had been resident in such Parish or Place at the Time of the Publication of Notices as directed by this Act, unless such Person shall prove to their Satisfaction that he hath been duly charged in some other Parish or Place, and hath paid or satisfied the Duties so charged; and if any Person, before or after Notice given to return a Statement as aforesaid, shall remove out of such Parish or Place without returning such Statement, or before an Assessment shall be made on him, with Intent to evade an Assessment, or if any Person being assessed to the said Duties shall remove out of the Parish or Place where he shall have been assessed to the said Duties without first paying or discharging all the said Duties charged upon him which shall then be due and payable, or without leaving in such Parish or Place sufficient Goods and Chattels whereon the said Duties in arrear may be raised and levied, and the same shall remain in arrear and unpaid for the Space of Twenty Days after the Time appointed by this Act for Payment thereof, every such Person shall forfeit (over and above the said Duties so left unpaid as aforesaid) the Sum of Twenty Pounds; and in every such Case, and also in every Case where any Person shall reside in any other Parish or Place than that in which the Assessment or Charge shall be made on him in pursuance of this Act, and the same shall be in arrear and unsatisfied in the whole or in part, it shall be lawful for the Commissioners of the District in which such Assessment or Charge shall have been made to certify to the Commissioners of the District within which such Person shall reside the Amount of the Assessment or Charge made upon such Person, and remaining in arrear and unpaid as aforesaid, and such last-mentioned Commissioners shall thereupon cause the whole of the Duty so remaining in arrear and unpaid as aforesaid to be raised and levied, by and under their Warrant, together with the Costs and Charges attending the same; provided that if no such Certificate and Warrant as aforesaid shall be made

Persons removing out of a Parish or Place, without first discharging the Assessment, or not leaving sufficient Goods, subject to Penalty.

Arrears to be levied in the District where the Party resides; and if not so levied or collected, to be recovered as a Debt to Her Majesty.

and

and issued, or the whole of such Arrear of Duty, and Costs and Charges, as aforesaid, shall not be levied or collected in manner aforesaid, the same shall be recoverable as a Debt to Her Majesty, together with full Costs of Suit, and all Charges and Expences attending the same.

Penalty on Persons fraudulently changing their Residence, or converting Property, or delivering false Statements, or guilty of other Fraud.

CLXXVIII. And be it enacted, That if any Person who ought to be charged as directed by this Act shall, by fraudulently changing or having changed his Place of Residence, or by fraudulently converting or having converted his Property, or any Part thereof, or by fraudulently releasing, assigning, or conveying, or having fraudulently released, assigned, or conveyed, the same, or any Part thereof, or by making and delivering any such Statement or Schedule as aforesaid which shall be false or fraudulent, or, having any Property chargeable as aforesaid, shall fraudulently convert or shall have fraudulently converted the same, or any Part thereof, by altering or having altered any Security with relation to such Property, or by fraudulently rendering or having rendered the same, or any Part thereof, temporarily unproductive, in order that such Person may not be charged for the same or any Part thereof, or by any Falsehood, wilful Neglect, Fraud, Covin, Art, or Contrivance whatsoever, used or practised, shall not be charged and assessed according to the true Intent and Meaning of this Act, every such Person shall, on Proof thereof before the said respective Commissioners for General Purposes acting for the District wherein such Person shall be chargeable, be charged and assessed Treble the Amount of the Charge which ought to have been made on such Person if no such Charge shall have been made; and if any such Charge shall have been made which shall be less than the Charge which ought to have been made on such Person, then such Person shall be assessed and charged, over and above such former Charge, Treble the Amount of the Difference between the Sum with which such Person shall have been charged and the Sum with which he ought to have been charged, to be added to such Assessment, and applied as in other Cases as aforesaid.

Receipts, &c. exempted from Stamp Duty.

CLXXIX. And be it enacted, That no Receipt, Certificate of Payment, Contract of Composition, Affidavit, Appraisement, or Valuation, made or given in pursuance and for the Purposes of this Act, shall be liable to any Stamp Duty.

Persons giving false Evidence, or swearing falsely, liable to the Penalties of Perjury. Indictments tried in County where Affidavit exhibited.

CLXXX. And be it enacted, That if any Person, upon any Examination on Oath or Affirmation, or in any Affidavit, Deposition, or Affirmation authorized by this Act, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted, shall be subject and liable to such Pains and Penalties as by the Laws in force Persons convicted of wilful and corrupt Perjury are subject and liable to; and any Indictment or Information for Perjury committed in any such Affidavit, Deposition, or Affirmation as aforesaid, whether the same shall be taken or made within *Great Britain* or without, shall and may be laid, tried, and determined in the County where such Affidavit, Deposition, or Affirmation shall be exhibited to the Commissioners in pursuance of this Act.

Punishment of Persons guilty of forging or altering Certificates or Receipts given under this Act.

CLXXXI. And be it enacted, That if any Person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in forging, counterfeiting, or altering, any Certificate of the Commissioners of Stamps and Taxes, or of any other Commissioners acting in the Execution of this Act, or any Certificate or Receipt which the Cashier of the Bank of *England*, or the Receiver General of Stamps and Taxes, or any Officer for Receipt, is by this Act authorized to give on the Receipt of any Money payable under this Act, or shall utter any such forged, counterfeited, or altered Certificate or Receipt as aforesaid, with Intent to defraud Her Majesty, or any Body Politic or Corporate, or any Person whomsoever, every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be transported for a Term not exceeding Fourteen Years.

Prescribing the Evidence to be received in Court of Persons being Commissioners or Officers.

CLXXXII. And be it enacted, That if, upon the Trial of any Indictment, Information, Suit, or Prosecution whatsoever, or in any Proceeding relative thereto, under and by virtue of this Act or the said Acts herein-before recited or referred to, or for any thing done in pursuance of this Act, or for any Offence committed against this Act, or in any Matter arising out of this Act, or on Occasion thereof, any Question shall arise whether any Person be or have been or was a Commissioner or Officer of or for the said Duties hereby granted, or commissioned or appointed to act as such, then and in every such Case Proof may be made and admitted that such Person was reputed to be or had acted as such Commissioner or Officer, or acted under such Commission or Appointment, at the Time respectively when the Act, Matter, or Thing in controversy upon such Trial or other Proceeding shall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular Commission, Appointment, Nomination, or other Authority whereby such Commissioner or Officer was constituted and appointed; and that in every such Case such Proof shall be deemed and taken, by all Judges, Justices, or Commissioners before whom any such Trial or Proceeding shall be had, to be good and legal Evidence, unless by other Evidence the contrary shall be made to appear; any Law or Usage to the contrary thereof notwithstanding.

Allowance to Assessors, Collectors, Clerks, and other Persons.

CLXXXIII. And be it enacted, That the several Assessors and Collectors shall have Three-pence in the Pound for what Money of the several Duties by this Act granted the several Collectors shall pay to the proper Officer for Receipt, to be divided in each separate Collection between the said Assessors and Collectors in equal Proportion; and for the careful writing and transcribing the said Assessments, Warrants, Estreats, and Duplicates in due Time, and for the due, speedy, and effectual executing all Matters and Things directed to be performed under the said Commissioners, and for the bearing and sustaining all incidental Expences attending the Execution of this Act, under the Direction of the said respective Commissioners in their several Districts, the Clerk of the respective Commissioners, who shall

perform the Duties of his Office within the respective Times limited by this Act, and shall have borne and sustained such incidental Expences, shall, by Warrant under the Hands of the said Commissioners, have and receive from the respective Officers for Receipt Two-pence in the Pound of all such Monies of the said several Duties as shall be assessed in or by virtue of such Warrants or Certificates; and the Clerk who shall not have borne and sustained such incidental Expences shall, by like Warrant, have and receive One Penny in the Pound of all such Monies as aforesaid, provided this Act be carried into execution in due Time and in an effectual Manner for the District in which he shall be appointed the Clerk, and all Warrants or Estreats be made, and the Duplicates be delivered to the proper Officer for Receipt, and into the Head Office for Stamps and Taxes as aforesaid, within the Times limited by this Act, and not otherwise; and no Person shall under any Pretence whatever be entitled to any Part of the Reward hereby given to such Clerk, except the Assistant (if any) to such Clerk, whose Compensation shall be apportioned and settled by the respective Commissioners; nor shall such Clerk, under any Pretence whatever, demand, take, or receive any Fee, Gratuity, or Perquisite, for any Matter or Thing to be done by him by virtue and under the Authority of this Act, from any Person, other than the proper Officer for Receipt, in manner aforesaid: Provided always, that no such Compensation shall be made to any Assessor or Collector, in respect of any Sum detained or stopped under the Authority of this Act, or paid into the Bank of *England*, or in respect of any Sums paid by the respective Parties into the said Bank, nor to any Receiver, nor to any of the Persons or Corporations intrusted with the Payment of Annuities, Dividends, and Shares paid out of any public Revenue of *Great Britain*, or elsewhere, as aforesaid, other than such Sum as shall be directed to be paid to such Collectors, Receivers, Corporations, or Persons aforesaid by the Warrant of the Commissioners of Her Majesty's Treasury, for their Pains and Care in executing this Act: Provided also, that it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such further Allowance to be made to such Clerk as aforesaid, who shall have faithfully performed his Duty under this Act, and shall have borne and sustained such incidental Expences as aforesaid, of any Sum, not exceeding One Penny in the Pound on the Amount of such Part of the gross Assessment as shall have been discharged on occasion of Claims for Exemption made and allowed under this Act on the Ground of Income, as they shall, on Consideration of the Extent and Population of the District, and the Number of such Claims, think proper to direct, and the Certificate of the Commissioners of Stamps and Taxes shall be an Authority to the Officers for Receipt respectively to pay such further Allowance.

Further Allowance to Clerk.

Nonpayment of Duties not to disqualify from voting at Elections.

CLXXXIV. Provided always, and be it enacted, That no Neglect or Omission to pay, within any limited Period, the Duties assessed under the Authority of this Act in respect of any House or other Building, shall prevent any Person from being admitted or retained on the Register or List of Persons entitled to vote in the Election of a Member or Members to serve in Parliament for any City or Borough, or from voting at any such Election.

Recovery of Penalties and Duties.

CLXXXV. And be it enacted, That all pecuniary Penalties imposed by this Act shall and may be sued for, recovered, and applied in such Manner and Form as is directed in regard to the pecuniary Penalties imposed by the said Acts respectively passed in the Forty-third Year of the Reign of King *George* the Third relating to the Duties of Assessed Taxes, the Regulations whereof are hereby made applicable to the Duties granted and the Penalties imposed by this Act; and that in any Action, Suit, or Proceeding, by or on the Behalf of Her Majesty, for the Recovery of any such Duties or Penalties respectively granted or imposed by this Act, such Duties and Penalties respectively shall be recoverable with full Costs of Suit, and all Charges and Expences attending the same: Provided always, that wherever by this Act any increased Rate of Duty is imposed as a Penalty, or as Part of or in addition to any Penalty, every such Penalty and all such increased Rate of Duty may be added to the Assessment, and be collected and levied in like Manner as any Duties included in such Assessment may be collected and levied.

Monies arising from the Duties to be paid into the Bank of England, to the Credit of the Exchequer.

Treasury to settle Allowances for Commissioners, &c. and to discharge incidental Expences.

CLXXXVI. And be it enacted, That all Monies arising from the Duties hereby granted (the necessary Charges of raising and accounting for the same excepted) shall be paid into the Bank of *England* to the Credit of an Account, in the Name of the Receiver General of Stamps and Taxes, to be opened and kept for that Purpose, distinct and apart from all other Monies, and shall be transferred to the Credit of Her Majesty's Exchequer, in such Manner, at such Times, and under such Authority, Rules, and Regulations, as are or may be appointed or made with regard to any other Monies arising from Duties under the Care or Management of the Commissioners of Stamps and Taxes: Provided always, that out of the Monies from Time to Time to arise from the said Duties it shall be lawful for the Commissioners of Her Majesty's Treasury to settle and appoint such Salaries and Allowances for the Service, Pains, and Labour of the Commissioners for Special Purposes, Inspectors, Surveyors, and other Officers to be employed in the Execution of this Act, and otherwise in relation thereto, and also to discharge such incident Charges and Expences attending the Execution of this Act, as the said Commissioners of Her Majesty's Treasury shall think fit and reasonable in that Behalf.

No Person to be exempt by Letters Patent.

CLXXXVII. And be it enacted, That no Letters Patent granted by Her Majesty or any of Her Royal Progenitors, or to be granted by Her Majesty, to any Person, City, Borough, or Town Corporate within this Realm, of any Manner of Liberties, Privileges, or Exemptions from Subsidies, Tolls, Taxes, Assessments, or Aids, nor any Statute granting any Salary, Annuity, or Pension to any Person free of any Taxes, Deductions, or Assessments, shall be construed or taken to exempt any Person, City, Borough, or Town Corporate, or any of the Inhabitants of the same, from the Burden and Charges of any of the Duties granted by this Act; and all *non obstantes* in such Statutes or Letters Patent made or to be made in bar of this Act are hereby declared to be void and of none Effect; any such Statutes, Letters Patent, Grants,

Grants, or Charters, or any Clause of *non obstante,* or other Matter or Thing therein contained, or any Law or Statute, to the contrary notwithstanding.

Provisions applied to one Schedule may extend to another in charging Duty.

CLXXXVIII. And be it enacted, That every Provision in this Act contained, and applied to the Duties in any particular Schedule, which shall also be applicable to the Duties in any other Schedule, and not repugnant to the Provisions for charging, ascertaining, or levying the Duties in such other Schedule, shall, in charging, ascertaining, and levying the same, be applied as fully and effectually as if the Application thereof had been so expressly and particularly directed; any thing herein contained to the contrary notwithstanding.

Schedule (F.) to be deemed Part of this Act.

CLXXXIX. And be it enacted, That the Schedule herein-after mentioned, marked (F.), shall be deemed a Part of this Act, as if the same had been inserted under a special Enactment; provided that the several Oaths therein mentioned shall be deemed and understood and taken to refer only to the Duties contained in Schedule (D.) as aforesaid.

SCHEDULE (F.)

Form of an Oath or Affirmation to be taken by the Commissioners for the Purposes of this Act, and by Additional Commissioners, and Commissioners for Special Purposes, acting in the Execution thereof, in respect of the Duties contained in Schedule (D.)

Oath to be taken by Commissioners acting in respect of the Duties contained in Schedule (D.)

'I *A.B.* do swear [*or* affirm, *as the Case may be*], That I will truly, faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the Powers and Authorities vested in me by an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], and that I will exercise the Powers intrusted to me by the said Act in such Manner only as shall appear to me necessary for the due Execution of the same; and that I will judge and determine upon all Matters and Things which shall be brought before me under the said Act without Favour, Affection, or Malice; and that I will not disclose any Particular contained in any Schedule or Statement delivered with respect to any Duties charged under the Provisions and Regulations relating to Schedule (D.) of the said Act, or any Evidence or Answer given by any Person who shall be examined, or shall make Affidavit, Deposition, or Affirmation respecting the same, in pursuance of the said Act, excepting in such Cases and to such Persons only who shall be sworn to the due Execution of this Act, and where it shall be necessary to disclose the same for the Purposes of the said Act, or to the Commissioners of Stamps and Taxes, or in order to or in the course of a Prosecution for Perjury committed in such Examination, Affidavit, Deposition, or Affirmation. So help me GOD.'

Form of Oath or Affirmation to be taken by Inspectors and Surveyors as aforesaid.

Oath to be taken by Inspectors and Surveyors.

'I *A.B.* do swear [*or* affirm], That in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], I will examine and revise all Statements, Schedules, and Declarations delivered within my District, and in objecting to the same I will act according to the best of my Information and Knowledge, and that I will conduct myself without Favour, Affection, or Malice, and that I will exercise the Powers intrusted to me by the said Act in such Manner only as shall appear to me to be necessary for the due Execution of the same, or as I shall be directed by the Commissioners of Stamps and Taxes, or any Two or more of them; and that I will not disclose any Particular contained in any Statement or Schedule, with respect to any Duties charged under the Provisions and Regulations relating to Schedule (D.) of the said Act, or any Evidence or Answer given by any Person who shall be examined, or shall make Affidavit, Deposition, or Affirmation respecting the same, in pursuance of the said Act, except in such Cases and to such Persons only who shall be sworn to the due Execution of the said Act, and where it shall be necessary to disclose the same for the Purposes of the said Act, or to the Commissioners of Stamps and Taxes, or in order to or in the course of a Prosecution for Perjury committed in such Examination, Affidavit, Deposition, or Affirmation. So help me GOD.'

Form of Oath or Affirmation to be taken by Assessors as aforesaid.

Assessors Oath.

'I *A.B.* do swear [*or* affirm], That in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], I will in all respects act diligently and honestly, and without Favour or Affection, to the best of my Knowledge and Belief, and that I will not disclose any Particular contained in any Statement or Schedule delivered to me in the Execution of the said Act, with respect to any Duties charged under the Provisions and Regulations relating to Schedule (D.) of the said Act, except in such Cases and to such Persons only who shall be sworn to the due Execution of the said Act, and where it shall be necessary to disclose the same for the Purposes of the said Act, or in order to or in the course of a Prosecution for Perjury committed in any Matter relating to such Statement or Schedule. So help me GOD.'

Form of Oath or Affirmation to be taken by the Collectors and Officers for Receipt.

Oath for Collectors and Officers for Receipt.

'I *A.B.* do swear [*or* affirm], That in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], I will not disclose any Assessment or the Amount of any Sum paid or to be paid by any Individual under the said Act, or the Books of Assessment which shall be delivered to me in the Execution of the said Act, with respect to any Duties charged under the Provisions and Regulations relating to Schedule (D.) of the said Act, except in such Cases and to such Persons only who shall be sworn to the due Execution of the said Act, and where it shall be necessary to disclose the same for the Purposes of the said Act, or to the Commissioners of Stamps and Taxes, or in order to or in the course of a Prosecution for Perjury committed in relation to the said Duties. So help me GOD.'

Form

Form of Oath or Affirmation to be taken by a Clerk or Clerk's Assistant to the Commissioners aforesaid.

Clerk's Oath.

'I *A.B.* do swear [*or* affirm], That I will diligently and faithfully execute the Office of a Clerk [*or* Assistant Clerk, *as the Case may be,*] according to an Act passed in the Year of the Reign of Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], to the best of my Knowledge and Judgment; and that I will not disclose any Particular contained in any Statement, Declaration, or Schedule, with respect to the Duties charged under the Provisions and Regulations relating to Schedule (D.) of the said Act, or any Evidence or Answer given by any Person who shall be examined, or shall make Affidavit, Deposition, or Affirmation respecting the same, except in such Cases and to such Persons only who shall be sworn to the due Execution of the said Act, and where I shall be directed so to do by the Regulations of the said Act, or any Two or more of the Commissioners under whom I act, or of the Commissioners of Stamps and Taxes, or in order to and in the course of a Prosecution for Perjury committed on such Examination, Affidavit, Deposition, or Affirmation.

'So help me GOD.'

Schedule (G.), and the Rules therein, to be observed in executing the Act.

CXC. And be it enacted, That the Schedule marked (G.), with the Rules and Directions therein contained, shall, in making Returns of the Amount of annual Value or Profits on which any Duty is chargeable under this Act, so far as the same are respectively applicable to the Case of each Person, Corporation, Company, or Society described or mentioned in this Act, on behalf of themselves, and also of others for whom they act in any of the Characters described in this Act, or herein-after mentioned, be observed by each such Person, Corporation, Company, or Society, or by his or their Agents or Officers, in the Cases where such Agents or Officers are authorized to make such Returns.

Sched. (*G.*) *Rules.*

SCHEDULE (G.)

I.—By every Occupier of Lands, Tenements, Hereditaments, or Heritages throughout *Great Britain*, to be charged under Schedules (A.) and (B.), or either of them.

By Occupiers of Lands, &c., charged under Schedules (A.) and (B.)

A Statement of the Rent and annual Value, or the annual Value, as the Case shall require, of all Lands, Tenements, and Hereditaments, or Heritages, occupied in every Parish or Place, distinguishing the Proportions in each Parish or Place, and estimating separately such as are occupied as Owner or Tenant, and also such as are held under different Landlords, and also such as are chargeable by the Rent or annual Value, or on the Amount of Profits; and also estimating separately the Rent or annual Value chargeable in respect of the Property, and the Amount chargeable in respect of the Occupation, distinguishing the same, as follows; (*videlicet,*)

Lands and Tenements occupied as Owner:

Lands and Tenements let at Rack Rent within Seven Years:

Lands and Tenements let at Rack Rent before the Period of Seven Years, with the Rent and annual Value thereof estimated separately:

Lands and Tenements let, but not at Rack Rent, with the Rent and annual Value thereof estimated separately:

The Amount at which such Lands and Tenements are rated to the Poor:

The Amount of the Composition, Rent, Rent-charge, or annual Payment paid in the preceding Year to the Rector or Vicar or other Person for Tithes of the above Lands and Tenements:

The Amount of each Deduction claimed in respect thereof, and stating if Tithe-free in Part or in the Whole, and the Amount of any Modus for Tithes or Real Composition.

By Lay Impropriators and Ecclesiastical Persons, under Schedule (A.)

II.—By every Lay Impropriator, and by every Ecclesiastical Rector, Vicar, or other Person (describing himself) receiving any Tithes in Kind, or any Payments in right of the Church, or by Endowment, or in lieu of any Tithes, and on all Teinds in *Scotland*, to be charged under Schedule (A.), distinguishing the same as follows:

The Amount of the Profits from Tithes taken in Kind for One Year, on an Average of Three Years:

The Amount of Dues and Money Payments in right of the Church, or by Endowment, or in lieu of Tithes not arising from Lands, on the above Average:

The Amount of Compositions, Rents, and Payments in lieu of Tithes, arising from Lands for the preceding Year.

By Corporations, &c., under Schedule (A.)

III.—By every Person, Corporation, or Company carrying on any Concern herein-after mentioned, or their Agents or Officers, in the Cases authorized to be charged under Schedule (A.)

The Amount of Profits from Quarries of Stone, Slate, Limestone, or Chalk, in the preceding Year:

Of Iron Works, Salt Springs or Works, Alum Mines or Works, Waterworks, Streams of Water, Canals, Inland Navigations, Docks, Drains, Levels, Fishings, Rights of Markets and Fairs, Tolls, Railways and other Ways, Bridges and Ferries, in the preceding Year:

Of Mines of Coal, Tin, Lead, Copper, Mundic, Iron, and other Mines, on an Average of Five Years.

By Lords of Manors.

IV.—By every Lord or Lady of a Manor or other Royalty, or Tenant of the same.

The Amount of all Dues and other Services or other casual Profits (except Rents and annual Payments) of such Manors or Royalties, on an Average of Seven Years.

By Receivers of Fines, under Schedule (A.)

V.—By the Receiver of any Fine paid in consideration of a Demise of Lands or Tenements (except Customary) to be charged under Schedule (A.)

The Amount of such Fines in the preceding Year, or for such lesser Period since the Interest thereon commenced, and an Estimate of the average Value for One Year.

VI.—By

VI.—By every Person entitled to Profits arising from Lands, Tenements, Hereditaments, or Heritages, not before stated to be charged under Schedule (A.) — By Profits from Lands, &c., under Schedule (A.)

The Amount, on a fair Average, to be allowed by the respective Commissioners.

VII.—By or for every Person carrying on any Trade, Manufacture, Adventure, or Concern in the Nature of Trade, to be charged under Schedule (D.) — By Persons carrying on Trade, charged under Schedule (D.);

The Amount of the Balance of the Profits thereof, upon a fair and just Average of Three Years, or for such shorter Period as the Concern has been carried on.

VIII.—By every Person exercising any Profession, Employment, or Vocation, to be charged under Schedule (D.) — or exercising Professions;

The Amount of the Balance of the Profits, Gains, and Emoluments thereof within the preceding Year.

IX.—By every Person entitled to Profits of an uncertain Value, not before stated, to be charged under Schedule (D.) — or entitled to Profits of uncertain Values;

The full Amount of the Profits or Gains arising therefrom within the preceding Year.

X.—By every Person receiving in *Great Britain* Interest from Securities out of *Great Britain*, to be charged under Schedule (D.) — or receiving Interest from Foreign Securities,

The full Amount that has been received, or will be received, as far as the same can be computed in the current Year.

XI.—By every Person receiving in *Great Britain* Profits from Possessions out of *Great Britain*, to be charged under Schedule (D.) — or Profits from Foreign Possessions;

The full net Amount annually received therefrom, either by Remittances, or Importation of Property, or Money or Value from Property not imported, or on Credit, or on account in respect of Remittances, Property, or Value, on an Average of the Three preceding Years.

XII.—By every Person entitled to any annual Profits not falling under any of the foregoing Rules, and not charged by any of the other Schedules, to be charged under Schedule (D.) — or any other Profits charged under Schedule (D.)

The full Amount thereof received annually, or according to the Average directed to be taken by the Commissioners on a Statement of the Nature of such Profits, and the Grounds on which the Amount has been computed, and the Average taken to the best of the Party's Knowledge and Belief.

XIII.—Declarations to be delivered in respect of the Duty to be charged under Schedule (D.) — Declaration in respect of Duty under Schedule (D.)

First.—Declaration by the precedent acting Partner, or by the Agent, if none of the Partners are resident in *Great Britain*, of the Names of the several Partners, their respective Residences, and the Place of carrying on the Trade or Concern, or exercising the Profession, and the Style or Description of the Firm:

Second.—Declaration by any Partner, not being the precedent acting Partner, of his being assessed with the Firm, describing the same, and the Place where the Return of the precedent Partner was made:

Third.—Declaration which may be made by each Partner desirous of being and entitled to be separately assessed, describing the Firm, and his Proportion of the Profits.

XIV.—Statement of Profits of any Office not chargeable by Commissioners specially appointed in the Department where the Office is held. — Statement of Profits not chargeable where the Office is held.

The Amount of the Salary, Fees, Wages, Perquisites, and Profits of Office in the preceding Year, or on an Average of Three Years, as the Case shall require.

The like Statement to be delivered to the Commissioners appointed in the Department, if required.

XV.—General Declaration by each Person returning a Statement of Profits under Schedules (A.) (B.) (D.) or (E.) — General Declarations.

Declaring the Truth thereof, and that the same is fully stated on every Description of Property or Profits included in the Act relating to the said Duties, and appertaining to the Party, estimated to the best of his Judgment and Belief, according to the Directions and Rules of this Act.

XVI.—List and Declaration for facilitating the Execution of the Act in relation to the Duties chargeable on others. — List and Declaration in relation to Duties chargeable in others.

First.—List containing the Name of every Lodger or Inmate in any Dwelling House, with the ordinary Place of Residence of such Lodger or Inmate, if he shall have any ordinary Place of Residence elsewhere, at which he is desirous of being assessed:

Second.—List of every Person in the Service or Employ of any Master or Mistress, whether resident in his or her Dwelling House or not, and the Place of Residence of those not residing with the Master or Mistress:

Third.—List to be delivered by every Trustee, Factor, Agent, Receiver, Guardian, Tutor, Curator, or Committee of the Name and Place of Residence of the Person for whom they act in such Character, describing him, and the Names of them who are joined in Trust:

Fourth.—Declaration on whom the Duty is chargeable in respect of such Trust:

Fifth.—List containing the proper Description of every Corporation, Company, Fraternity, Fellowship, Society, or Trust for which any Person is answerable as Treasurer, Auditor, or Receiver, and where any

any Person before described is answerable for the Duty to be charged in respect of the Property or Profits of others, such Lists as aforesaid shall be delivered, together with required Statements of such Profits.

Lists, Declarations, &c. in order to obtain Exemptions.

XVII.—Lists, Declarations, and Statements of Discharge, or in order to obtain Exemptions.

First.—Declaration of the Amount of Value or Property or Profits returned, or for which the Claimant hath been or is liable to be assessed:

Second.—Declaration of the Amount of Rents, Interests, Annuities, or other annual Payments, for which the Party is liable to allow and deduct the Duty, with the Names of the respective Persons by whom such Payments are to be made, distinguishing the Amount of each Payment:

Third.—Declaration of the Amount of Interest, Annuities, or other annual Payments, to be made out of the Property or Profits assessed on the Claimant, distinguishing each Source:

Fourth.—Statement of the Amount of Income derived according to the Three preceding Declarations:

Fifth.—Statement of any Payment which the Claimant may be liable to make, and out of which he may be entitled to deduct or retain any Portion of the Duty charged upon him, and of any Charge which he may be entitled to make against any other Person for any Portion of such Duty.

What Number of Commissioners competent to execute any of the Powers given by this Act.

CXCI. And be it enacted, That wherever by this Act any Appointment is directed or authorized to be made, or any Act, Matter, or Thing whatever is required to be done or performed, by the Commissioners of Her Majesty's Treasury, every such Appointment, Act, Matter, and Thing may lawfully be made, done, and performed respectively by any Three or more of the said Commissioners for the Time being; and wherever any Order, Consent, Authority, or Direction of the said Commissioners of Her Majesty's Treasury is prescribed or required by this Act, every such Order, Consent, Authority, and Direction may be signified either under the Hands of any Three or more of the said Commissioners, or under the Hand of One of their Secretaries or Assistant Secretaries; and wherever any of the Powers and Authorities given by this Act are required or directed to be put in execution, or any Assessment, Warrant, Order, Precept, Notice, Certificate, Contract of Composition, or other Document is by this Act or any Act herein recited or referred to is required or directed to be made, signed, or issued by the Commissioners for General Purposes, or the Additional Commissioners, or the Commissioners for Special Purposes, or the Commissioners for Stamps and Taxes, or any other Commissioners acting in the Execution of this Act, every such Power and Authority shall and may lawfully be put in execution, and every such Assessment, Warrant, Order, Precept, Notice, Certificate, Contract, or other Document shall and may lawfully be made, signed, and issued respectively by any Two or more of the said respective Commissioners; provided that where any Act, Matter, or Thing is directed or authorized to be done or performed by or before One of such respective Commissioners, such Act, Matter, or Thing may lawfully be done or performed by or before such One Commissioner, any thing herein contained notwithstanding.

Construction of the Terms used in this Act.

CXCII. And be it enacted, That wherever in this Act, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons as well as one Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that wherever the Terms and Expressions following occur in this Act they shall be construed respectively in the Manner herein-after directed; (that is to say,) that the Expression "Her Majesty" shall be construed to mean and include Her Majesty, Her Heirs and Successors; the Expression "Commissioners of Her Majesty's Treasury" shall mean and include the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the said United Kingdom for the Time being; the Term "Affidavit" and the Term "Oath" shall respectively mean and include an Affirmation in the Case of Quakers or other Persons entitled by Law to make an Affirmation in lieu of an Affidavit or Oath; the Term "*England*" shall mean and include *England* and *Wales* and *Berwick-upon-Tweed*.

Commencement and Continuance of the Act.

CXCIII. And be it enacted, That this Act shall commence and take effect from and after the Fifth Day of *April* One thousand eight hundred and forty-two, and, together with the Duties therein contained, shall continue in force until the Sixth Day of *April* One thousand eight hundred and forty-five, and no longer: Provided always, that this Act and the said Duties shall not then cease with respect to any Assessment which ought to have been made before the said last-mentioned Day, but which shall not then have been made and completed, nor with respect to any of the said Duties which shall have been assessed and shall then remain unpaid, nor with respect to any Penalty before then incurred, the said Duties shall not cease in such Districts where the Assessments for the preceding Year shall not have been completed before the said Sixth Day of *April*, but that all the Powers and Provisions of this Act shall continue in force, for making and completing all such Assessments as aforesaid, and for levying and recovering the Duties so assesssed or to be assessed, and all Arrears of such Duties, and also for re-assessing the same, in default of Payment in the Manner herein directed, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred.

Act may be amended, &c. this Session.

CXCIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXVI.

An Act for regulating the Sale of Waste Land belonging to the Crown in the *Australian* Colonies. [22d *June* 1842.]

Waste Lands of the Crown to be disposed of according to the Regulations contained in this Act.

'WHEREAS it is expedient that an uniform System of disposing of the Waste Lands of the Crown in the *Australian* Colonies should be established:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That within the *Australian* Colonies the Waste Lands of the Crown shall be disposed of in the Manner and according to the Regulations herein-after prescribed, and not otherwise.

Not to be alienated, except by Sale in the Manner herein-after prescribed.

II. And be it enacted, That the Waste Lands of the Crown in the *Australian* Colonies shall not, save as herein after is excepted, be conveyed or alienated by Her Majesty, or by any Person or Persons acting on the Behalf or under the Authority of Her Majesty, either in Fee Simple or for any less Estate or Interest, unless such Conveyance or Alienation be made by way of Sale, nor unless such Sales be conducted in the Manner and according to the Regulations herein-after prescribed.

Exception of Lands required for public Uses; and with respect to Military or Naval Settlers.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent Her Majesty, or any Person or Persons acting on the Behalf or under the Authority of Her Majesty, from excepting from Sale, and either reserving to Her Majesty, Her Heirs and Successors, or disposing of in such other Manner as for the public Interests may seem best, such Lands as may be required for public Roads or other internal Communications, whether by Land or Water, or for the Use or Benefit of the aboriginal Inhabitants of the Country, or for Purposes of Military Defence, or as the Sites of Places of public Worship, Schools, or other public Buildings, or as Places for the Interment of the Dead, or Places for the Recreation and Amusement of the Inhabitants of any Town or Village, or as the Sites of public Quays or Landing Places on the Sea Coast or Shores of navigable Streams, or for any other Purpose of public Safety, Convenience, Health, or Enjoyment; and provided also, that nothing in this Act contained shall extend or be construed to extend to prevent Her Majesty, or any Person or Persons acting on her Behalf or under the Authority of Her Majesty, from fulfilling any Promise or Engagement made or hereafter to be made by or on the Behalf of Her Majesty in favour of any Military or Naval Settlers in the said Colonies respectively, in pursuance of any Regulations made by Her Majesty's Authority in favour or for the Benefit of any such Settlers.

Lands to be surveyed before sold.

IV. And be it enacted, That, save as herein-after is excepted in reference to Blocks of Twenty thousand Acres of Land or upwards, no Waste Lands of the Crown in any of the said Colonies shall be so conveyed or alienated as aforesaid until the same shall have been surveyed, and shall have been delineated in the public Charts of such Colony, in such Lots as shall be subsequently offered and put up for Sale, which Lots shall in no Case, save as aforesaid, contain an Area exceeding One superficial Square Mile.

Governor authorized to convey the Lands.

V. And be it enacted, That under and subject to the various Provisions and Regulations herein-after contained, the Governor for the Time being of each of the said Colonies is hereby authorized and required, in the Name and on the Behalf of Her Majesty, to convey and alienate in Fee Simple, or for any less Estate or Interest, to the Purchaser or Purchasers thereof, any Waste Lands of the Crown in any such Colony, which Conveyances or Alienations shall be made in such Forms and with such Solemnities as shall from Time to Time be prescribed by Her Majesty, and being so made shall be valid and effectual in the Law to transfer to and to vest in possession in any such Purchaser or Purchasers any such Lands as aforesaid, for any such Estate or Interest as by any such Conveyance as aforesaid shall be granted to him, her, or them.

Quarterly Sales by Auction, and Notice thereof.

VI. And be it enacted, That once at the least in each of the Four usual Quarters of the Year, and on as many other Occasions as to the Governor for the Time being of any such Colony shall seem meet, there shall be holden One or more public Sales by Auction of the Waste Lands of the Crown within such Colony; and that every such Governor shall, by Proclamation or Proclamations, to be from Time to Time by him for that Purpose made in manner herein-after mentioned, declare with all practicable Precision the Times and the Places at which such Auctions will be holden, and what are the Lands to be offered for Sale at each of such Auctions, and what are the upset Prices at which they will be offered for Sale; and it shall not be lawful for any such Governor to sell or to cause to be sold any such Lands, unless they shall have been specified as about to be offered for Sale by such Proclamation as aforesaid, issued at some Time within Three Calendar Months next preceding the actual Sale thereof.

The Lands offered for Sale to be distinguished into Classes and Lots.

VII. And be it enacted, That in every such Proclamation as aforesaid the Lands specified therein as about to be offered for Sale shall be distinguished into Three separate Classes, the First of which shall be described as Town Lots, the Second of which shall be described as Suburban Lots, and the Third of which shall be described as Country Lots; and within the First of the said Classes shall be comprised all Lands situate within the Limits of any existing Town to be in that Behalf especially named and described by the Governor, or within any Locality to be designated by the Governor as the Site of any Town to be thereon erected; and within the Second of the said Classes shall be comprised all Lands situate within the Distance of Five Miles from the nearest Point of any existing or contemplated Town, unless in any Case the Governor for the Time being of any such Colony shall see fit to exclude any such last-mentioned Lands from the said Class of Suburban Lots, on the Ground that they will not in his

Judgment derive any increased Value from their Vicinity to any such Town; and within the Third of the said Classes shall be comprised all Lands not comprised within the said First and Second Classes: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent the putting up for Sale of Lands of any One or more of the said Classes apart from Lands of both or either of the other Classes.

Lowest upset Price.

VIII. And be it enacted, That none of the Waste Lands of the Crown shall be sold at any such Auction in any of the said Colonies unless the Sum of One Pound at the least for each Acre of such Land be then and there offered for the same, which Sum of One Pound *per* Acre shall be the lowest upset Price of any of the Waste Lands of the Crown in any of the said Colonies, but which lowest upset Price shall be liable to be from Time to Time raised in any such Colony in manner herein-after mentioned.

Manner of raising lowest upset Price.

IX. And be it enacted, That it shall be lawful for the Governor of any such Colony, at his Discretion, by any such Proclamation or Proclamations as aforesaid, to raise the lowest upset Price of the Waste Lands of the Crown in any such Colony; and it shall be lawful for Her Majesty, by any Instructions addressed to any such Governor, under Her Majesty's Signet and Sign Manual, with the Advice of Her Majesty's Privy Council, either to raise the lowest upset Price of the Waste Lands of the Crown in any such Colony, or to disallow and reduce back, either wholly or in part, any Increase of the said upset Price which, in exercise of the Authority hereby vested in him, any such Governor may, in manner aforesaid, have made of the said upset Price, by any such Proclamation or Proclamations as aforesaid: Provided always, that no such Instructions reducing the lowest upset Price of Land as raised by any such Proclamation or Proclamations shall be so issued as aforesaid by Her Majesty after the Lapse of Six Months from the Receipt by One of Her Majesty's Principal Secretaries of State from such Governor of a Transcript of any such Proclamation: Provided also, that if such upset Price be so reduced by Her Majesty as aforesaid, and if any Person shall in the meanwhile have purchased of the Crown any Lands not being Town or Suburban Lots or Special Lots, it shall be lawful for the Governor either to return to such Person the Difference between the lowest upset Price named by the Governor and the Amount to which such lowest upset Price shall have been reduced by Her Majesty, or to grant to such Person or Persons Lands equal in Value to the said Difference.

Except as before provided, Price not to be reduced.

X. And be it enacted, That it shall not be competent to the Governor of any such Colony, nor, save as aforesaid, to Her Majesty, to reduce the Amount to which, in manner aforesaid, the lowest upset Price of Lands within such Colony may at any Time have been so increased by such Governor or by Her Majesty.

The Governor may name a different upset Price for the Special Country Lots and Town and Suburban Lots.

XI. And be it enacted, That in respect of any Part not exceeding One Tenth of the whole of the Lands of the Third Class for the First Time offered for Sale at any such Auctions as aforesaid it shall be lawful for any such Governor, by any such Proclamation or Proclamations as aforesaid, to name an upset Price higher than the lowest upset Price of Waste Lands in the Colony, and such excepted Lands of the Third Class shall be designated as "Special Country Lots;" and that in respect of any Lot or Lots consisting of Lands either of the First or of the Second Classes, to be comprised in any such Sales, it shall be lawful for the Governor for the Time being to fix the upset Price of any such Lot or Lots at any Sum exceeding the lowest upset Price of Waste Lands within the Colony in which the same may be situated, and from Time to Time to raise or lower, as to him may seem requisite for the public Interests, the Price of such Lots consisting of Lands of the First or the Second Class, so always that such upset Price shall never be less than the lowest upset Price of Waste Lands within the said Colony.

What Lands may and may not be sold otherwise than by public Auction.

XII. And be it enacted, That no Land comprised in the said First or Second Classes shall be sold in any of the said Colonies otherwise than by public Auction; but that any Lands comprised in the Third of the said Classes shall and may be sold by the Governor for the Time being of the Colony within which the same are situate by private Contract, if the same shall first have been put up to public Auction in manner aforesaid, and shall not have been sold at such Auction; provided that no such Land shall be so sold by any such private Contract for less than the upset Price at which the same was last put up for Sale by Auction, or if any Bidding above that Price was made for the same at such last preceding Auction, then at less than the Amount of such Bidding, after deducting the Amount of any Deposit that may have been paid thereon: Provided also, that if between any Two successive Sales by Auction an Increase shall in manner aforesaid have been made of the upset Price of Lands, no Land affected by such Increase shall subsequently be sold by private Contract until after the same shall again have been put up to Sale by Auction at such increased upset Price.

Purchase Money when to be paid.

XIII. And be it enacted, That no Waste Lands of the Crown shall be sold in any such Colony by any such private Contract as aforesaid except for Ready Money, to be paid at the signing of such Contract; and that no Waste Lands of the Crown shall be sold at any such public Auction as aforesaid unless on Condition of paying at the Time of the Sale, in ready Money, a Deposit, the Amount of which shall be fixed by any such Proclamation or Proclamations as aforesaid, at not less than One Tenth of the whole Price, nor unless the Purchaser or Purchasers shall contract to pay the Residue of such Price within One Calendar Month next after the Time of such Sale by Auction, and shall further contract, that on Failure of such Payment the Deposits shall be forfeited, and that the Contract shall be thenceforward null and void.

Colony may be divided into

XIV. And be it enacted, That by any Proclamation or Proclamations to be from Time to Time for that Purpose issued by the Governor of any such Colony, in the Manner herein-after mentioned, it shall be

be lawful for him to divide such Colony, for the Purposes herein-after mentioned, into any Number of Territorial Divisions not exceeding Four; and for the Purposes and within the Meaning of this present Act, but for no other Purpose, each of such Territorial Divisions shall be considered as a distinct and separate Colony, saving only that as regards the Appropriation herein-after directed of a certain Portion of the Proceeds of Sales of Land to the Introduction of Emigrants from the United Kingdom, it shall be sufficient that such Emigrants be introduced into any Part of the entire Colony, without reference to the Territorial Division in which such Proceeds of Sales may have accrued; and provided always, that it shall be lawful for Her Majesty, by any Instructions to be issued by Her Majesty in manner before mentioned, to disallow and annul any such Proclamation or Proclamations; provided that such Instructions be issued within Six Calendar Months next after the Receipt by One of Her Majesty's Principal Secretaries of State, from such Governor, of the Transcript of such Proclamation; provided also, that such Instructions shall take effect within the said Colony upon the Receipt thereof by the said Governor, and not before.

distinct Divisions for the Sale of Lands.

XV. And be it enacted, That if any Person or Persons shall offer to purchase from the Governor of any such Colony by private Contract any Block of unsurveyed Land comprising Twenty thousand Acres or more, and forming, as nearly as the natural Landmarks of the Country will admit, a Parallelogram, of which no one Side shall be more than twice the Length of any other Side, it shall be lawful for the Governor, by any such private Contract, to effect any such Sale, on such Terms and Conditions as to him shall seem meet, provided that such Lands be not sold for less than the lowest upset Price of Lands *per* Acre in the Colony in which the same may be situated, and provided that the Purchaser or Purchasers of any such Lands shall not be entitled to any Survey thereof, except so far as may be necessary to ascertain the external Marks and Bounds thereof.

Conditions on which Blocks of Land comprising 20,000 Acres or more may be sold.

XVI. 'And whereas it may be convenient that Means should be provided for the Payment within the 'United Kingdom of the Purchase Money of Waste Lands of the Crown within the said Colonies: And 'whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Tenth Day of *January* 'One thousand eight hundred and forty, Her Majesty was pleased to appoint certain Persons therein 'named to be, during Her Majesty's Pleasure, Commissioners, in the United Kingdom, for the Sale of 'the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the Emigration of 'Her Majesty's Subjects to such Colonies;' be it therefore enacted, That if any Person or Persons shall pay, for the Purchase of Waste Lands of the Crown in any of Her Majesty's *Australian* Colonies, any Sum or Sums of Money to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or to any Person or Persons to be appointed by the said Commissioners of Her Majesty's Treasury, or any Three of them, to receive the same, the said Commissioners of Colonial Lands and Emigration for the Time being are hereby authorized and required, subject to such Rules as shall be prescribed for their Guidance in that respect by the Commissioners of Her Majesty's Treasury, to grant, under their Hands and Seal of Office, Certificates to any such Purchaser or Purchasers of the Amount of any such Payments, which Certificates shall, on Production thereof to the Governor for the Time being of any such Colony, be received by him as equivalent to the Amount of Money for which the same shall respectively be given, so far and only so far as the same may be tendered to such Governor in Payment for the Price of any Waste Lands of the Crown to be there purchased, either at public Auction or by private Contract, in the Manner and subject to the Regulations by this present Act prescribed in respect of such Purchasers.

Payments in the United Kingdom for Land in the Colonies.

XVII. And be it enacted, That nothing herein contained shall extend or be construed to extend to prevent the Governor of any of the said Colonies from granting to any Person or Persons a Licence for the Occupation, for any Time not exceeding Twelve Calendar Months from the Date thereof, of any Waste Lands of the Crown in any such Colony, or a Licence for felling, removing, and selling the Timber growing on any such Lands; and that no such Lands shall be sold until after the Expiration of the Licence for the Occupation of the same.

Pasture and Timber Licences.

XVIII. And be it enacted, That all Charges which shall be incurred in any of the *Australian* Colonies for the Expence of the Survey and Management of the Waste Lands of the Crown therein, or for effecting such Sales by Auction or by private Contract, or otherwise in carrying into effect the Provisions of this present Act within any such Colony, shall in the first instance be chargeable upon and defrayed from the Proceeds of Sales of Waste Lands, unless Provision shall otherwise be made for defraying such Charges by any Law or Ordinance to be enacted by the local Legislature of any such Colony.

Expences of Survey, Management, and Sale to be the primary Charge upon Land Revenues.

XIX. And be it enacted, That, subject to the Charge above mentioned, the gross Proceeds of the Sales of the Waste Lands of the Crown in each of the said Colonies shall be appropriated and applied to the public Service of the said Colonies respectively, in such Manner as Her Majesty, or the Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time direct: Provided always, that One equal Half Part at least of such gross Proceeds shall be and the same is hereby appropriated towards defraying the Expence of the Removal from the United Kingdom to the Colony wherein such Revenue accrued of Emigrants not possessing the Means of defraying the Expence of their own Emigration thither, which Money shall be expended by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as shall be authorized by them to expend the same, but subject to such Regulations regarding the Selection of Emigrants, the Means to be provided for their Conveyance, and their Superintendence during the Voyage to the Colony to which they are destined,

Gross Proceeds of Sales of Land to be applied to the public Service of the Colony, and One Half to be appropriated to the Purposes of Emigration.

destined, and for their Reception and Settlement in that Colony, as shall from Time to Time be prescribed by Her Majesty in Her Privy Council, or through one of Her Majesty's Principal Secretaries of State, to the Governor of such respective Colonies, and to the Commissioners for the Time being of Colonial Lands and Emigration.

Rights under existing Contracts saved.

XX. Provided always, and be it enacted, That nothing herein contained shall affect or be construed to affect any Contract, or to prevent the Fulfilment of any Promise or Engagement, made by or on the Behalf of Her Majesty with respect to any Lands situate in any of the said Colonies in Cases where such Contracts, Promises, or Engagements shall have been lawfully made before the Time at which this Act shall take effect in any such Colony.

Commencement of the Operation of this Act.

XXI. And be it enacted, That this Act shall take effect and have the Force of Law in each of the *Australian* Colonies from the Day of the Receipt of a Copy thereof by the Governor of such Colony, which Day such Governor shall certify and make known to the Inhabitants of such Colony by a Proclamation, to be by him for that Purpose forthwith issued.

Definition of the Words "Australian Colonies," so far as regards this Act.

XXII. And be it enacted, That by the Words "*Australian* Colonies," as employed in this Act, are intended and described the Colonies of *New South Wales, Van Diemen's Land, South Australia,* and *Western Australia,* and *New Zealand,* with their respective Dependencies, as such Colonies are now or shall hereafter be defined and limited, and also any other Colonies which may hereafter be established within any of the existing Limits of the said Five Colonies, unless it shall in any Case seem fit to Her Majesty, by any Instrument under the Great Seal by which any such new Colony may be founded, to postpone, either for any Period to be therein limited, or indefinitely, as to Her Majesty shall seem meet, the Time at which this Act shall take effect within any such new Colony, in which Case this Act shall take effect therein from the Time to be so limited by such Commission, and not before.

Definition of the Terms "Governor," "Proclamation," and "Waste Lands."

XXIII. And be it enacted, That by the Word "Governor," as employed in the present Act, is intended and described the Person who for the Time being shall be lawfully administering the Government of any of the said Colonies respectively; and that the several Proclamations which the Governors of the said respective Colonies are hereby authorized to issue shall be so issued by him under the public Seal of the Colony, and shall be made public in the most authentic and formal Manner in use in any such Colony; and that by the Words "Waste Lands of the Crown," as used in the present Act, are intended and described any Lands situate therein, and which now are or shall hereafter be vested in Her Majesty, Her Heirs and Successors, and which have not been already granted or lawfully contracted to be granted to any Person or Persons in Fee Simple, or for an Estate of Freehold, or for a Term of Years, and which have not been dedicated and set apart for some public Use.

Act may be altered, &c. this Session.

XXIV. And be it enacted, That this Act may be altered or amended during the present Session of Parliament.

CAP. XXXVII.

An Act to continue until the Fifth Day of *April* One thousand eight hundred and forty-four Compositions for Assessed Taxes; and to amend the Laws relating to the Land and Assessed Taxes. [30th *June* 1842.]

4 & 5 Vict. c. 26.
4 & 5 W. 4. c. 54.

'WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of Her Majesty, intituled '*An Act to continue Compositions for Assessed Taxes until the Fifth Day of* April *One thousand* 'eight hundred and forty-three, the Compositions for Assessed Taxes entered into or renewed under the 'Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* 'the Fourth were continued until the Fifth Day of *April* One thousand eight hundred and forty-three, and 'it is expedient to continue the same for a further Term of One Year:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Compositions for Assessed Taxes continued for a further Term of One Year, ending the 5th April 1844;

That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-three, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-four, under the same Rules, Regulations, and Privileges as if such Compositions did not by the Laws now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts relating to or continuing such Compositions, or for collecting or enforcing Payment thereof, shall be extended and applied to the Contracts of Composition continued under this Act, to all Intents and Purposes, as if the same had been herein repeated and re-enacted.

except in Cases where Parties shall give Notice to determine the same on the 5th April 1843.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty-three, and who shall, on or before the Tenth Day of *October* One thousand eight hundred and forty-two, give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Detached Parishes and Places de-

III. 'And whereas divers Parishes and Places, or Parts thereof, in *Great Britain,* are detached from 'the main Body of the several Counties to which they respectively belong, and for the more convenient 'Execution of the Acts relating respectively to the Land Tax, the Duties of Assessed Taxes, and the

'Duties

'Duties on Profits arising from Property, Professions, Trades, and Offices, it is expedient to authorize 'the Execution of the said Acts in such Parishes and Places, and Parts thereof respectively, by the Com- 'missioners for putting in force the said Acts in the respective Counties, Ridings, or Shires adjoining or 'near to which the said Parishes or Places, or Parts thereof, are locally situate;' be it therefore enacted, That from and after the passing of this Act the several Parishes and Places, and Parts of Parishes and Places, described in the Schedule marked (A.) to this Act annexed, shall, in all Matters and Things relating to the assessing, charging, raising, and levying of the Land Tax, and the Duties of Assessed Taxes, and also the Duties on Profits arising from Property, Professions, Trades, and Offices, be under and subject to the Jurisdiction and Authority of the Commissioners appointed or to be appointed for putting in execution the Acts relating to the said Land Tax and to the said Duties respectively in and for the several Counties, Ridings, or Shires which are respectively mentioned in the Fourth Column of the said Schedule in conjunction with the Names or Descriptions of such detached Parishes or Places, or Parts thereof, respectively; and in all other similar Cases for which no special Provision is hereby made it shall be lawful for the Commissioners of Stamps and Taxes to order and direct that in all such Matters and Things as aforesaid any such detached Parish or Place, or Part of a Parish or Place, as aforesaid, shall be under and subject to the Jurisdiction and Authority of the Commissioners appointed or to be appointed for putting in execution the said Acts in and for such County, Riding, or Shire adjoining or near to such detached Parish or Place, or Part thereof, as the said Commissioners of Stamps and Taxes shall name in that Behalf.

scribed in Schedule (A.) transferred to the Jurisdiction of Commissioners of Land and Assessed Taxes for the Counties in or near to which they are locally situate.

Commissioners may transfer Jurisdiction over similar detached Parishes, &c. not specially provided for.

IV. And be it enacted, That the Commissioners under whose Jurisdiction or Authority any such detached Parish or Place, or Part thereof, as aforesaid, is or may be placed, by or in pursuance of this Act, shall have full Power and they are hereby authorized to execute and put in force the several Acts aforesaid, and the several Powers and Provisions thereof for the assessing, charging, levying, and enforcing Payment of the Land Tax and the several Duties aforesaid, and otherwise relating thereto, in and throughout any such Parish or Place, or Part of a Parish or Place, as aforesaid, in as full and ample a Manner as the said Commissioners are or may be authorized to execute the said Acts or any of them within the County, Riding, or Shire for which they have been or may be appointed; any thing in any former Act contained, or any Usage or Practice, to the contrary notwithstanding.

Commissioners to whose Jurisdiction such Parishes are transferred to have full Power to execute therein the Acts relating to the Land Tax, &c.

V. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Stamps and Taxes to order and direct that any such detached Parish or Place, or Part of a Parish or Place, as aforesaid, shall be added to any adjoining or other Division or Divisions, or be formed into One or more new Division or Divisions, as the said last-mentioned Commissioners shall think fit.

Commissioners of Stamps, &c. to arrange Division of Parishes.

VI. And be it enacted, That where the Land Tax chargeable upon any such Parish or Place, or Part of a Parish or Place, as aforesaid, hath been or shall have been charged and assessed by other Commissioners than those under whose Jurisdiction such Parish or Place, or Part thereof, is or may be placed, by or in pursuance of the Authority contained in this Act, then and in such Case the Commissioners acting in execution of the Acts relating to the Land Tax for the County, Riding, or Shire in which any such Parish or Place, or Part thereof, hath been or shall have been charged and assessed to the said Land Tax, shall certify, in Duplicate under their Hands and Seals, to the Commissioners of Stamps and Taxes, the Amount of the Land Tax which hath been or shall have been charged and assessed on such Parish or Place, or Part of a Parish or Place, as aforesaid, in the Assessment made for the Year ending on the Twenty-fifth Day of *March* preceding the Transfer of such Parish or Place, or Part thereof, to the Jurisdiction of other Commissioners, by or in pursuance of the Authority contained in this Act; and the said Commissioners of Stamps and Taxes shall transmit one of such Duplicate Certificates to the Commissioners under whose Jurisdiction such Parish or Place, or Part thereof, is or may be transferred as aforesaid, who shall cause the same Amount of Land Tax so certified as aforesaid to be yearly charged, assessed, raised, and levied upon such Parish or Place, or Part thereof, as aforesaid, subject to Redemption under the Provisions of the Acts passed in that Behalf.

Commissioners of Land Tax to certify the Amount of Land Tax assessed on such Parishes, and the same Amount to be continued to be assessed thereon.

VII. 'And whereas an Act was passed in the present Session of Parliament, intituled *An Act for* 'granting to Her Majesty Duties on Profits, Professions, Trades, and Offices, until the Sixth Day of April 'One thousand eight hundred and forty-five: And whereas it is expedient that the Sheriff Depute and 'Sheriff Substitute in each Shire or Stewartry in *Scotland* should be Commissioners for putting into 'execution the said last-recited Act;' be it therefore enacted, That the Sheriff Depute and Sheriff Substitute in each Shire or Stewartry in *Scotland* shall and are hereby directed and required, by virtue of their Offices aforesaid, without other Qualification or Nomination, to act as Commissioners in the Execution of the said last-recited Act in the Shire or Stewartry, or District thereof, for which they are appointed Sheriff Depute or Sheriff Substitute respectively, and shall not be liable to any Penalty or Forfeiture for acting therein as Commissioners without the Qualification required by the said last-recited Act; and such Sheriff Depute and Sheriff Substitute respectively shall have the same Powers, Jurisdiction, Privileges, and Authority as are by the said last-recited Act vested in the Commissioners named and appointed in virtue of the Provisions therein contained: Provided always, that before they act as Commissioners aforesaid they shall take the Oath or Oaths prescribed by the said last-recited Act.

Sheriffs Depute and Substitute in Scotland to act as Commissioners for executing the Powers of 5 & 6 Vict. c. 35. by virtue of their Offices, without the Qualification required by said Act.

SCHE-

SCHEDULE (A.) to which this Act refers.

1. Description of detached Parishes or Places, or Parts of Parishes or Places.	2. Counties to which they belong.	3. Counties in which they are locally situate.	4. Counties, the Commissioners for which are to have Jurisdiction over such detached Parishes, Places, or Parts.
Part of Shilton Parish	Berkshire	Oxfordshire	Oxfordshire.
Eye, commonly called Sonning Eye, and Dunsden, Hamlets in Sonning Parish.	Berkshire	Oxfordshire	Oxfordshire.
Caversfield Parish	Buckinghamshire	Oxfordshire	Oxfordshire.
Part of Maker Parish, in the Tything of Vaultersholme.	Devonshire	Cornwall	Devonshire.
Stockland Parish	Dorsetshire	Devonshire	Devonshire.
Dallwood Township	Dorsetshire	Devonshire	Devonshire.
The District of Norhamshire	Durham	Northumberland	Northumberland.
The District of Islandshire, including the Farne Islands and Monkhouse.	Durham	Northumberland	Northumberland.
The Parish of Bedlington or Bedlingtonshire.	Durham	Northumberland	Northumberland.
Minety Parish	Gloucestershire	Wiltshire	Wiltshire.
Shennington Parish	Gloucestershire	Oxfordshire	Oxfordshire.
Farloe Chapelry	Herefordshire	Shropshire	Shropshire.
Rochford Parish	Herefordshire	Worcestershire	Worcestershire.
Litton and Cascob Township	Herefordshire	Radnorshire	Radnorshire.
Part of Coleshill Hamlet	Hertfordshire	Buckinghamshire	Buckinghamshire.
Part of Everton Parish	Huntingdonshire	Between Bedfordshire and Cambridgeshire.	Bedfordshire.
Welsh Bicknor Parish	Monmouthshire	Herefordshire	Herefordshire.
Boycot Township	Oxfordshire	Buckinghamshire	Buckinghamshire.
Lillingston Lovell Parish	Oxfordshire	Buckinghamshire	Buckinghamshire.
Part of Hales Owen Parish	Shropshire	Bounded by Worcestershire and Staffordshire.	Worcestershire.
Holwell Parish, including Buckshaw Tything.	Somersetshire	Dorsetshire	Dorsetshire.
North Ambersham and South Ambersham Tythings, in the Parish of Steep.	Hampshire	Sussex	Sussex.
Broom Parish	Staffordshire	Worcestershire	Worcestershire.
Clent Parish	Staffordshire	Worcestershire	Worcestershire.
Tutnal and Cobley Hamlet	Warwickshire	Worcestershire	Worcestershire.
Stretton-upon-Foss Parish, Ilmington Parish, Compton Scorpion Hamlet, Whitchurch Parish, Ditchford Hamlet.	Warwickshire	Between Parts of Worcestershire and Gloucestershire.	Worcestershire.
Part of Wokingham Parish	Wiltshire	Berkshire	Berkshire.
Hinton Tything, in Hurst Parish	Wiltshire	Berkshire	Berkshire.
Didnam Tything, in Shinfield Parish	Wiltshire	Berkshire	Berkshire.
Swallowfield Parish	Wiltshire	Berkshire	Berkshire.
Kingswood Parish	Wiltshire	Gloucestershire	Gloucestershire.
Poulton Parish	Wiltshire	Gloucestershire	Gloucestershire.
Iccomb Parish	Worcestershire	Between Gloucestershire and Oxfordshire.	Gloucestershire.
Dailsford Parish	Worcestershire	Oxfordshire	Gloucestershire.
Oldborough Parish	Worcestershire	Warwickshire	Warwickshire.
Edvin Loach Parish	Worcestershire	Herefordshire	Herefordshire.
WALES:			
Carregovah Township	Denbighshire	Between Shropshire and Montgomeryshire.	Montgomeryshire.
Part of Glasbury Parish	Brecknockshire	Brecknockshire or Radnorshire.	Brecknockshire.

CAP. XXXVIII.*

An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace.

[30th *June* 1842.]

'WHEREAS it is expedient that the Powers of Justices in General and Quarter Sessions of the Peace with respect to the Trial of Offences be better defined;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act neither the Justices of the Peace acting in and for any County, Riding, Division, or Liberty, nor the Recorder of any Borough, shall, at any Session of the Peace, or at any Adjournment thereof, try any Person or Persons for any Treason, Murder, or Capital Felony, or for any Felony which, when committed by a Person not previously convicted of Felony, is punishable by Transportation beyond the Seas for Life, or for any of the following Offences; (that is to say,)

Justices in Sessions restrained from trying certain Offences.

1. Misprision of Treason:
2. Offences against the Queen's Title, Prerogative, Person, or Government, or against either House of Parliament:
3. Offences subject to the Penalties of Præmunire:
4. Blasphemy, and Offences against Religion:
5. Administering or taking unlawful Oaths:
6. Perjury and Subornation of Perjury:
7. Making or suborning any other Person to make a false Oath, Affirmation, or Declaration, punishable as Perjury or as a Misdemeanor:
8. Forgery:
9. Unlawfully and maliciously setting fire to Crops of Corn, Grain, or Pulse, or to any Part of a Wood, Coppice, or Plantation of Trees, or to any Heath, Gorse, Furze, or Fern:
10. Bigamy, and Offences against the Laws relating to Marriage:
11. Abduction of Women and Girls:
12. Endeavouring to conceal the Birth of a Child:
13. Offences against any Provision of the Laws relating to Bankrupts and Insolvents:
14. Composing, printing, or publishing blasphemous, seditious, or defamatory Libels:
15. Bribery:
16. Unlawful Combinations and Conspiracies, except Conspiracies or Combinations to commit any Offence which such Justices or Recorder respectively have or has Jurisdiction to try when committed by One Person:
17. Stealing or fraudulently taking, or injuring or destroying, Records or Documents belonging to any Court of Law or Equity, or relating to any Proceeding therein:
18. Stealing or fraudulently destroying or concealing Wills or Testamentary Papers, or any Document or written Instrument being or containing Evidence of the Title to any Real Estate or any Interest in Lands, Tenements, or Hereditaments:

Provided always, that nothing herein contained shall be construed to give Authority to the Justices of the Peace acting in and for the Cities of *London* and *Westminster*, the Liberty of the Tower of *London*, the Borough of *Southwark*, and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, to try any Person or Persons for any Offence committed or alleged to be committed within the Jurisdiction of the Central Criminal Court, which such Justices are restrained from trying under the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining.*

Proviso as to Justices acting in London and the Environs.

4 & 5 W. 4. c. 36.

II. And be it enacted, That it shall be lawful for any Judge of one of Her Majesty's Superior Courts at *Westminster*, acting under any Commission of Oyer and Terminer and Gaol Delivery for any County, to issue, if he shall think fit, any Writ or Writs of Certiorari or other Process, directed to the Justices of the Peace acting in and for such County, Riding, Division, or Liberty, or to the Recorder of any Borough situated within the said County, commanding the said Justices and Recorder severally to certify and return, into the Court holden under the Authority of such Commission of Oyer and Terminer and Gaol Delivery, all Indictments or Presentments found or taken before any of the said Justices of the Peace, or Recorder, of any Offences which, after the passing of this Act, such Justices or Recorder will not have Jurisdiction to try, and the several Recognizances, Examinations, and Depositions relative to such Indictments and Presentments; and also, if necessary, by Writ or Writs of Habeas Corpus, to cause any Person or Persons who may be in the Custody of any Gaol or Prison, charged with any such Offence, to be removed into the Custody of the Keeper of the Common Gaol of the County, so that the same Offences may be dealt with, tried, and determined according to Law, under the Authority of the said Commission.

Indictments found at the Sessions of the Peace to be removed;

and Prisoners may be removed by Habeas Corpus.

III. And be it enacted, That every Recognizance which shall have been entered into for the Prosecution of any Person at any Court of Sessions of the Peace, for any Offence which after the passing of this Act such Court will not have Jurisdiction to try, and every Recognizance for the Appearance, as well of any Witness to give Evidence upon any Bill of Indictment or Presentment for any such Offence, as of any Person to answer our Lady the Queen for or concerning any such Offence, or to answer generally before such Court, shall, in case any Writ of Certiorari or Habeas Corpus be issued for the Purpose

Recognizances to be obligatory to appear at Assizes.

* *See post Chap.* 43.

of

of removing such Indictment or Presentment, or such Person so in Custody as aforesaid, be obligatory on the Parties bound by such Recognizance to prosecute and appear, and give Evidence, and do all other Things therein mentioned, with reference to the Indictment or Presentment or Person so removed as aforesaid, before the Justices of Oyer and Terminer and Gaol Delivery acting in and for that County, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, appearing, or giving Evidence, or doing such other Things before the said Justices of Oyer and Terminer and Gaol Delivery: Provided always, that One Week's Notice shall have been given, either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the Court of Oyer and Terminer and Gaol Delivery, instead of the said Court of Sessions of the Peace: Provided also, that the Judge who shall grant such Writ of Certiorari or Habeas Corpus shall cause the Party applying for such Writ or Writs, whether he be the Prosecutor or Party charged with such Offence, to enter into a Recognizance, in such Sum, and with or without Sureties, as the Judge may direct, conditioned to give such Notice as aforesaid to the Parties bound by such Recognizance to appear before the said Court of Oyer and Terminer and Gaol Delivery, instead of before the said Court of Sessions of the Peace respectively, and to do such other Things with reference to the Indictment, Presentment, or Person removed as such Court or Judge shall direct.

Power to divide Courts of Sessions of the Peace.

IV. 'And whereas it is expedient to enlarge the Powers of Justices of the Peace for dividing their 'several Courts of Sessions of the Peace;' be it enacted, That whenever any Court of General or Quarter Session or adjourned Session of the Peace shall be assembled for the Despatch of Business thereunto belonging, and there shall be any Order of the Court in force for the Appointment of a permanent Chairman and Deputy Chairman of the said Court, it shall be lawful for the Justices then present, if it shall appear to them advisable, having regard to the Business to be disposed of, to appoint Two or more Justices, one of whom shall be such Deputy Chairman, to sit apart in some convenient Place in or near the Court, there to hear and determine such Business as shall be referred to them, whilst others of the Justices, one of whom shall be the said Chairman, are at the same Time proceeding in the Despatch of the other Business of the same Court, and that the Proceedings so had by and before the Justices so sitting apart shall be as good and effectual in the Law as if the same were had before the Court assembled and sitting as usual in its ordinary Place of sitting, and shall be enrolled and recorded accordingly; and that the several Provisions of an Act of the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to empower Magistrates to divide the Court of Quarter Sessions*, shall, so far as may be, extend and be applicable to the Second Court so to be holden as aforesaid.

59 G. 3. c. 28.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Limitation of Act.

VI. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

CAP. XXXIX.

An Act to amend the Law relating to Advances *bonâ fide* made to Agents intrusted with Goods. [30th *June* 1842.]

6 G. 4. c. 94.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* 'the Fourth, intituled *An Act to alter and amend an Act for the better Protection of the Property of 'Merchants and others who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, 'and Merchandize intrusted to Factors or Agents*, Validity is given, under certain Circumstances, to 'Contracts or Agreements made with Persons intrusted with and in possession of the Documents of Title 'to Goods and Merchandize, and Consignees making Advances to Persons abroad who are intrusted with 'any Goods and Merchandize are entitled, under certain Circumstances, to a Lien thereon, but under the 'said Act and the present State of the Law Advances cannot safely be made upon Goods or Documents 'to Persons known to have Possession thereof as Agents only: And whereas by the said Act it is 'amongst other things further enacted, "that it shall be lawful to and for any Person to contract with any 'Agent intrusted with any Goods, or to whom the same may be consigned, for the Purchase of any such 'Goods, and to receive the same of and to pay for the same to such Agent, and such Contract and Payment shall be binding upon and good against the Owner of such Goods, notwithstanding such Person 'shall have Notice that the Person making such Contract, or on whose Behalf such Contract is made, is 'an Agent; provided such Contract or Payment be made in the usual and ordinary Course of Business, 'and that such Person shall not, when such Contract is entered into or Payment made, have Notice that 'such Agent is not authorized to sell the same, or to receive the said Purchase Money:" And whereas 'Advances on the Security of Goods and Merchandize have become an usual and ordinary Course of 'Business, and it is expedient and necessary that reasonable and safe Facilities should be afforded thereto, 'and that the same Protection and Validity should be extended to *bonâ fide* Advances upon Goods and 'Merchandize as by the said recited Act is given to Sales, and that Owners intrusting Agents with the 'Possession of Goods and Merchandize, or of Documents of Title thereto, should in all Cases where such 'Owners by the said recited Act or otherwise would be bound by a Contract or Agreement of Sale be in 'like Manner bound by any Contract or Agreement of Pledge or Lien for any Advances *bonâ fide* made 'on the Security thereof: And whereas much Litigation has arisen on the Construction of the said recited 'Act, and the same does not extend to protect Exchanges of Securities *bonâ fide* made, and so much 'Uncertainty exists in respect thereof that it is expedient to alter and amend the same, and to extend the 'Provisions thereof, and to put the Law on a clear and certain Basis:' Be it therefore enacted by the Queen's

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act any Agent who shall thereafter be intrusted with the Possession of Goods, or of the Documents of Title to Goods, shall be deemed and taken to be Owner of such Goods and Documents, so far as to give Validity to any Contract or Agreement by way of Pledge, Lien, or Security *bonâ fide* made by any Person with such Agent so intrusted as aforesaid, as well for any original Loan, Advance, or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such Contract or Agreement shall be binding upon and good against the Owner of such Goods, and all other Persons interested therein, notwithstanding the Person claiming such Pledge or Lien may have had Notice that the Person with whom such Contract or Agreement is made is only an Agent.

Bonâ fide Advances to Persons intrusted with the Possession of Goods or Documents of Title, though known to be Agents, protected.

II. And be it enacted, That where any such Contract or Agreement for Pledge, Lien, or Security shall be made in consideration of the Delivery or Transfer to such Agent of any other Goods or Merchandize, or Document of Title, or negotiable Security, upon which the Person so delivering up the same had at the Time a valid and available Lien and Security for or in respect of a previous Advance by virtue of some Contract or Agreement made with such Agent, such Contract and Agreement, if *bonâ fide* on the Part of the Person with whom the same may be made, shall be deemed to be a Contract made in consideration of an Advance within the true Intent and Meaning of this Act, and shall be as valid and effectual, to all Intents and Purposes, and to the same Extent, as if the Consideration for the same had been a *bonâ fide* present Advance of Money: Provided always, that the Lien acquired under such last-mentioned Contract or Agreement upon the Goods or Documents deposited in exchange shall not exceed the Value at the Time of the Goods and Merchandize which, or the Documents of Title to which, or the negotiable Security which shall be delivered up and exchanged.

Bonâ fide Deposits in exchange protected;

but no Lien beyond the Value of the Goods given up:

III. Provided always, and be it enacted, That this Act, and every Matter and Thing herein contained, shall be deemed and construed to give Validity to such Contracts and Agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made *bonâ fide*, and without Notice that the Agent making such Contracts or Agreements as aforesaid has not Authority to make the same, or is acting *malâ fide* in respect thereof against the Owner of such Goods and Merchandize; and nothing herein contained shall be construed to extend to or protect any Lien or Pledge for or in respect of any antecedent Debt, owing from any Agent to any Person with or to whom such Lien or Pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express Orders or Authority received from the Owner; but that, for the Purpose and to the Intent of protecting all such *bonâ fide* Loans, Advances, and Exchanges as aforesaid, (though made with Notice of such Agent not being the Owner, but without any Notice of the Agent's acting without Authority,) and to no further or other Intent or Purpose, such Contract or Agreement as aforesaid shall be binding on the Owner and all other Persons interested in such Goods.

But the Statute to be construed to protect only Transactions bonâ fide, without Notice that the Agent pledging is acting without Authority, or malâ fide against the Owner.

IV. And be it enacted, That any Bill of Lading, *India* Warrant, Dock Warrant, Warehouse Keeper's Certificate, Warrant, or Order for the Delivery of Goods, or any other Document used in the ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Indorsement or by Delivery, the Possessor of such Document to transfer or receive Goods thereby represented, shall be deemed and taken to be a Document of Title within the Meaning of this Act; and any Agent intrusted as aforesaid, and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agent's having been intrusted with the Possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the Possession of the Goods represented by such Document of Title as aforesaid, and all Contracts pledging or giving a Lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods to which the same relates; and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall be in his actual Custody, or shall be held by any other Person subject to his Control or for him or on his Behalf; and where any Loan or Advance shall be *bonâ fide* made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid, on the Faith of any Contract or Agreement in Writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the Person making such Loan or Advance, without Notice that such Agent was not authorized to make such Pledge or Security, every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents of Title within the Meaning of this Act, though such Goods or Documents of Title shall not actually be received by the Person making such Loan or Advance till the Period subsequent thereto; and any Contract or Agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other Person on his Behalf, shall be deemed a Contract or Agreement with such Agent; and any Payment made, whether by Money or Bills of Exchange, or other negotiable Security, shall be deemed and taken to be an Advance within the Meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken, for the Purposes of this Act, to have been intrusted therewith by the Owner thereof, unless the contrary can be shown in Evidence.

Meaning of the Term "Document of Title;"

and when Agent intrusted;

and when in possession.

"Contract or Agreement," and "Advance."

Possession Evidence of intrusting.

V. Provided always, and be it enacted, That nothing herein contained shall lessen, vary, alter, or affect the civil Responsibility of an Agent for any Breach of Duty or Contract, or Non-fulfilment of his Orders or Authority in respect of any such Contract, Agreement, Lien, or Pledge as aforesaid.

Agent's civil Responsibility not to be diminished.

Agent making Consignments contrary to Instruction of Principal, guilty of Misdemeanor.

VI. Provided always, and be it enacted, That if any Agent intrusted as aforesaid shall, contrary to or without the Authority of his Principal in that Behalf, for his own Benefit and in Violation of good Faith, make any Consignment, Deposit, Transfer, or Delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a Pledge, Lien, or Security; or shall, contrary to or without such Authority, for his own Benefit and in Violation of good Faith, accept any Advance on the Faith of any Contract or Agreement to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; every such Agent shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be sentenced to Transportation for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and every Clerk or other Person who shall knowingly and wilfully act and assist in making any such Consignment, Deposit, Transfer, or Delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court shall award, as herein-before last mentioned: Provided nevertheless, that no such Agent shall be liable to any Prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Consignment, Deposit, Transfer, or Delivery was justly due and owing to such Agent from his Principal, together with the Amount of any Bills of Exchange drawn by or on account of such Principal and accepted by such Agent: Provided also, that the Conviction of any such Agent so convicted as aforesaid shall not be received in Evidence in any Action at Law or Suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any Evidence whatsoever in respect of any Act done by him, if he shall, at any Time previously to his being indicted for such Offence, have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or if he shall have disclosed the same in any Examination or Deposition before any Commissioner of Bankrupt.

Right of Owner to redeem;

VII. Provided also, and be it enacted, That nothing herein contained shall prevent such Owner as aforesaid from having the Right to redeem such Goods or Documents of Title pledged as aforesaid, at any Time before such Goods shall have been sold, upon Repayment of the Amount of the Lien thereon, or Restoration of the Securities in respect of which such Lien may exist, and upon Payment or Satisfaction to such Agent, if by him required, of any Sum of Money for or in respect of which such Agent would by Law be entitled to retain the same Goods or Documents, or any of them, by way of Lien as against such Owner, or to prevent the said Owner from recovering of and from such Person with whom any such Goods or Documents may have been pledged, or who shall have any such Lien thereon as aforesaid, any Balance or Sum of Money remaining in his Hands as the Produce of the Sale of such Goods, after deducting the Amount of the Lien of such Person under such Contract or Agreement as aforesaid: Provided always, that in case of the Bankruptcy of any such Agent the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy, or in case the Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

or to recover Balance of Proceeds.

In case of Bankruptcy, Owner to prove for Amount paid to redeem, or for Value of Goods, if unredeemed.

Interpretation of Act.

VIII. And be it enacted, That in construing this Act the Word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual; and that Words in the Singular Number shall, when necessary to give Effect to the Intention of the said Act, import also the Plural, and *vice versâ*; and Words used in the Masculine Gender shall, when required, be taken to apply to a Female as well as a Male.

Not to affect any Contract before passing of this Act.

IX. Provided also, and be it enacted, That nothing herein contained shall be construed to give Validity to or in anywise to affect any Contract, Agreement, Lien, Pledge, or other Act, Matter, or Thing made or done before the passing of this Act.

CAP. XL.

An Act for carrying into effect the Treaty between Her Majesty and the *Argentine* Confederation for the Abolition of the Slave Trade. [30th *June* 1842.]

'WHEREAS on the Twenty-fourth Day of *May* in the Year of our Lord One thousand eight hundred and thirty-nine a Treaty was concluded and signed at *Buenos Ayres*, between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the *Argentine* Confederation, for the Abolition of the Slave Trade, whereby it was agreed as follows:

'ARTICLE I.—The Slave Trade, having been legally abolished throughout the Territories of the *Argentine* Confederation, is hereby declared to be henceforward and for ever totally prohibited to all the Citizens of the said Republic in all Parts of the World.

'ARTICLE II.—The *Argentine* Confederation hereby engage, that immediately after the Exchange of the Ratifications of the present Treaty, and from Time to Time afterwards as may become needful, they will take the most effectual Measures for preventing the Citizens of the said Republic from being concerned, and the Flag of that Republic from being used, in carrying on in

'any

'any way the Trade in Slaves; and the said Republic especially engages that, within Two Months 'after the above-mentioned Exchange of Ratifications, they will renew the Promulgation throughout 'the Territory of the Republic of the penal Law by which the Slave Trade has been declared 'Piracy, and that the Punishment attached to Piracy shall be inflicted on all those Citizens who 'shall, under any Pretext whatever, take any Part whatever in the Traffic of Slaves.

'ARTICLE III.—In order more completely to accomplish the Object of the present Treaty, the 'Two High Contracting Parties mutually consent that those Ships of their Navies respectively 'which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may 'visit such Merchant Vessels of the Two Nations as may upon reasonable Grounds be suspected 'of being engaged in the Traffic of Slaves, or having been fitted out for the Purposes thereof, 'or of having, during the Voyage in which they are met with by the said Cruizers, been engaged 'in the Traffic in Slaves, contrary to the Provisions of this Treaty; and that such Cruisers may 'detain and send or carry away such Vessels, in order that they may be brought to Trial in the 'Manner herein-after agreed upon.

'ARTICLE IV.—In order to regulate the Mode of carrying the Provisions of the preceding Article 'into execution, it is agreed,—

'First,—That all Ships of the Navies of the Two Nations which shall hereafter be employed to 'prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy, 'in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers 'annexed thereto, Letter (A.), and of the Regulations for the Mixed Courts of Justice annexed 'thereto, Letter (B.); which Annexes shall be considered as integral Parts of the Treaty.

'Secondly,—That each of the High Contracting Parties shall from Time to Time communicate 'to the other the Names of the several Ships which have been furnished with such Instructions, 'the Force of each Ship, and the Names of their several Commanders.

'Thirdly,—That if at any Time there shall be just Cause to suspect that any Merchant Vessel, 'sailing under the Flag of either Nation, and proceeding under the Convoy of any Ship or 'Ships of War of either of the Contracting Parties, is engaged or is intended to be engaged in 'the Traffic in Slaves, or is fitted out for the Purposes thereof, or has, during the Voyage on 'which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the 'Commander of any Ship of the Royal Navy of *Great Britain*, or of the Navy of the *Argentine* 'Confederation, furnished with such Instructions as aforesaid, to communicate his Suspicions to 'the Commander of the Convoy, who, accompanied by the Commander of the Cruiser, shall proceed 'to the Search of the suspected Vessel; and in case the Suspicions appear well founded, accord- 'ing to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to One of the 'Points where the Mixed Courts of Justice are stationed, in order to undergo the Sentence 'applicable to the Case.

'Fourthly,—It is further mutually agreed, that the Commanders of the Ships of the Two Navies 'respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of 'the aforesaid Instructions.

'ARTICLE V.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting 'Parties engage mutually to make good any Losses which their respective Subjects or Citizens may 'incur by the arbitrary and illegal Detention of their Vessels; it being understood that this 'Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of 'such arbitrary and illegal Detention: It is further agreed, that the Visit and Detention of Vessels 'specified in the Third Article of this Treaty shall be effected only by those *British* or *Argentine* 'Ships which may form Part of the Navies (Royal and National) respectively of the Two High 'Contracting Parties to this Treaty, and by such Ships only of those Navies as shall be provided 'with the special Instructions annexed to the present Treaty.

'The Compensation for Damages mentioned in this Article shall be made within the Term of 'One Year, reckoned from the Day on which the Mixed Court of Justice pronounces Sentence on 'the Vessel for the Detention of which such Compensation is claimed.

'ARTICLE VI.—In order to bring to Adjudication with as little Delay and Inconvenience as 'possible Vessels which may be detained according to the Tenor of the Third Article of this Treaty, 'there shall be established, within the Space of a Year at furthest from the Exchange of the 'Ratifications of the present Treaty, Two Mixed Courts of Justice, formed of an equal Number of 'Individuals of the Two Nations, named for this Purpose by the Two High Contracting Parties 'respectively.

'These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other 'within the Territories of the *Argentine* Confederation; and the Two Governments, at the Period 'of the Exchange of the Ratifications of the present Treaty, shall declare each for its own Territories 'in what Places the said Courts shall respectively reside, each of the Two High Contracting Parties 'reserving to itself the Right of changing at its Pleasure the Place of Residence of the Court held 'within its own Territories: Provided, however, that one of the Two Courts shall always be held 'upon the Coast of *Africa*, and the other in the Territory of the *Argentine* Confederation.

'These Courts shall judge the Causes submitted to them according to the Provisions of the 'present Treaty, without Appeal, and in conformity with the Regulations and Instructions which

'are annexed to the present Treaty, and which are considered as forming an integral Part 'thereof.

'ARTICLE VII.—If the Commanding Officer of any of those Ships of the Navies of *Great* 'Britain and of the *Argentine* Confederation respectively, which shall be duly provided with 'Instructions according to the Provisions of the Third Article of this Treaty, shall deviate in any 'respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Govern- 'ment which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; 'and in such Case the Government to which such Commanding Officer may belong binds itself to 'cause Inquiry to be made into the Subject Matter of the Complaint, and to inflict upon the said 'Officer a Punishment proportioned to any wilful Transgression which he may have committed.

'ARTICLE VIII.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or 'Argentine, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be 'sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions 'thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; 'namely,

'First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant 'Vessels.

'Secondly,—Divisions or Bulkheads in the Hold or on Deck in a greater Number than are 'necessary for Vessels engaged in lawful Trade.

'Thirdly,—Spare Plank fitted for being laid down as a Second or Slave Deck.

'Fourthly,—Shackles, Bolts, or Handcuffs.

'Fifthly,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Con- 'sumption of the Crew of the Vessel as a Merchant Vessel.

'Sixthly,—An extraordinary Number of Water Casks, or of other Receptacles for holding 'Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from 'which he cleared Outwards, stating that sufficient Security had been given by the Owners of 'such Merchant Vessels that such extra Quantity of Casks or of other Receptacles should only be 'used for the Reception of Palm Oil, or for other Purposes of lawful Commerce.

'Seventhly,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the 'Crew of the Vessel as a Merchant Vessel.

'Eighthly,—A Boiler or other cooking Apparatus of an unusual Size, and larger, or fitted for 'being made larger, than requisite for the Use of the Vessel as a Merchant Vessel, or more than 'One Boiler or other cooking Apparatus of the ordinary Size.

'Ninthly,—An extraordinary Quantity of Rice, of the Flour of *Brazil*, Manioc, or Casada, 'commonly called Farina, of Maize, of Indian Corn, or of any other Article of Food whatever 'beyond what might probably be requisite for the Use of the Crew of the Vessel, such Rice, 'Flour, Maize, Indian Corn, or other Article of Food not being entered on the Manifest as Part 'of the Cargo for Trade.

'Tenthly,—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew 'of the Vessel as a Merchant Vessel.

'Any One or more of these several Things, if proved to have been found on board, shall be con- 'sidered as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade, and the 'Vessel shall thereupon be condemned, and be declared lawful Prize, unless clear and incontestable 'Evidence on the Part of the Master or Owners shall establish, to the Satisfaction of the Court, that 'such Vessel was, at the Time of her Detention or Capture, employed in some legal Pursuit, and 'that such of the several Things enumerated as were found on board her at the Time of her 'Detention, or which had been put on board her on the Voyage on which she was proceeding when 'captured, were needed for legal Purposes on that particular Voyage.

'ARTICLE IX.—If any of the Things specified in the preceding Article shall be found in any 'Merchant Vessel, no Compensation for Losses, Damages, or Expences consequent upon the 'Detention of such Vessel shall in any Case be granted either to her Master or to her Owner, or 'to any other Person interested in her Equipment or Lading, even though the Mixed Court of 'Justice should not pronounce any Sentence of Condemnation in consequence of her Detention.

'ARTICLE X.—It is hereby agreed between the Two High Contracting Parties, that in all 'Cases in which a Vessel shall be detained under this Treaty by their respective Cruisers, as 'having been engaged in the Slave Trade, or as having been fitted out for the Purposes thereof, and 'shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as 'aforesaid, the said Vessel shall, immediately after Condemnation, be broken up entirely, and shall be 'sold in separate Parts after having been so broken up.

'ARTICLE XI.—The Negroes who are found on board a Vessel which has been detained by a 'Cruiser, and has been condemned by the Mixed Courts of Justice, in conformity with the Stipu- 'lations of this Treaty, shall be placed at the Disposal of the Government whose Cruiser made the 'Capture, on the distinct Understanding that they shall be immediately set at liberty, and shall be 'thenceforward kept free. The Two High Contracting Parties respectively guarantee the full and 'permanent Liberty of such Negroes; and, with a view of ensuring the due Execution of the 'Treaty in this respect, they each engage to afford from Time to Time, and whenever required

'to

'to do so by the other High Contracting Party, the fullest Information as to the State and 'Condition of such Negroes.

'The Regulations, Letter (C.), annexed to this Treaty, as to the Treatment of Negroes 'liberated by Sentence of the Mixed Courts of Justice, are declared to form an integral Part of 'this Treaty.

'The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by 'common Consent, but not otherwise, the Terms of such Regulations.

'ARTICLE XII.—The Annexes to this Treaty, which it is mutually agreed shall form an integral 'Part thereof, are as follows:

'(A.) Instructions for the Ships of the Navies of both Nations employed to prevent the Traffic 'in Slaves.

'(B.) Regulations for the Mixed Courts of Justice, which are to hold their Sittings on the 'Coast of *Africa*, and in one of the Possessions of the *Argentine* Republic.

'(C.) Regulations for the Treatment of liberated Negroes.

'ANNEX (A.)

'To the TREATY between GREAT BRITAIN and the ARGENTINE CONFEDERATION, for the ABOLITION of 'the SLAVE TRADE of the ARGENTINE CONFEDERATION.

'*Instructions for the Ships of the British and Argentine Navies employed to prevent the Traffic in 'Slaves.*

'ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or 'of the *Argentine* Confederation, which shall be furnished with these Instructions, shall have a Right 'to visit, search, and detain any *British* or *Argentine* Merchant Vessel which shall be actually 'engaged or which shall be suspected to be engaged in the Slave Trade, or to be fitted out for 'the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage in 'which she may be met with by such Ship of the *British* or *Argentine* Navy; and such Commander 'shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that 'Mixed Court of Justice, established in virtue of the Seventh Article of the said Treaty, which 'shall be the nearest to the Place of Detention, or which such Commander shall upon his own 'Responsibility think can be soonest reached from such Place.

'ARTICLE II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, 'shall meet a Merchant Vessel liable to be visited under the Provisions of the said Treaty, 'the Search shall be conducted in the mildest Manner, and with every Attention which ought to be 'observed between allied and friendly Nations; and the Search shall in all Cases be made by an 'Officer holding a Rank not lower than that of a Lieutenant in the Navy of *Great Britain* or in 'that of the *Argentine* Republic respectively (unless the Command shall, by reason of Death or 'otherwise, be held by an Officer of inferior Rank), or by the Officer who at the Time shall be 'Second in Command of the Ship by which the Search is made.

'ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, 'who may detain any Merchant Vessel in pursuance of the present Instructions, shall leave on board 'the Vessel so detained the Master, the Mate, or Boatswain, and Two or Three at least of the Crew 'thereof, the whole of the Slaves (if any), and all the Cargo.

'The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, which 'shall exhibit the State in which he found the detained Vessel; and such Declaration shall be signed 'by himself, and shall be given in or sent together with the captured Vessel to the Mixed Court of 'Justice before which such Vessel shall be carried or sent for Adjudication.

'The Captor shall deliver to the Master of the detained Vessel a certified List of the Papers 'seized on board the same, as well as a Statement of the Number of Slaves found on board at the 'Moment of Detention.

'In the authenticated Declaration which the Captor is hereby required to make, as well as in the 'certified List of the Papers seized, he shall insert his own Name, the Name of the capturing Ship, 'the Latitude and Longitude of the Place where the Detention shall have taken place, and the 'Number of Slaves found on board the Vessel at the Time of Detention.

'The Officer in charge of the Vessel detained shall, at the Time when he brings the Vessel's 'Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself, and 'verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her 'Crew, the Slaves (if any), and her Cargo, between the Period of her Detention and the Time of 'delivering in such Paper.

'ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them 'shall have arrived at the Place of Adjudication; and even after the Vessel has arrived at such Place 'they shall not be landed without the Permission of the Mixed Court of Justice.

'But if urgent Reasons, deduced from the Length of the Voyage, from the State of Health of 'the Slaves, or from other Causes, should require that either the whole or a Portion of the Negroes 'should be disembarked or be transhipped before the Vessel can arrive at the Place at which one 'of the said Courts is established, or after her Arrival there, and before Adjudication, the Com- 'mander of the capturing Ship may take upon himself the Responsibility of so disembarking or

'transhipping

'transhipping the Negroes; provided that such Necessity, and the Causes thereof, be stated in a 'Certificate in proper Form, and that this Certificate be entered at the Time on the Log Book of the 'detained Vessel.

'The undersigned Plenipotentiaries have agreed, in conformity with the Twelfth Article of the 'Treaty signed by them on this Day, the Twenty-fourth Day of *May* One thousand eight hundred 'and thirty-nine, that the preceding Instructions, consisting of Four Articles, shall be annexed to 'the said Treaty, and shall be considered as an integral Part thereof.

'The Twenty-fourth Day of *May* One thousand eight hundred and thirty-nine.

'(L. S.) *J. H. Mandeville.*

'ANNEX (B.)

'To the TREATY between GREAT BRITAIN and the ARGENTINE CONFEDERATION, for the ABOLITION 'of the SLAVE TRADE of the ARGENTINE CONFEDERATION.

'*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the 'Possessions of the Argentine Confederation.*

'ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty 'of which these Regulations are declared to be an integral Part shall be composed in the following 'Manner:—Each of the Two High Contracting Parties shall name a Judge, and an Arbitrator, 'who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention 'of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before 'them. The Judges and the Arbitrators shall, before entering upon the Duties of their Office, 'respectively make Oath before the principal Magistrate of the Places in which such Courts respec- 'tively shall reside, that they will judge fairly and faithfully, that they will have no Preference 'either for the Claimants or the Captors, and that in all their Decisions they will act in pursuance of 'the Stipulations of the aforesaid Treaty.

'There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed 'by the Government of the Country within whose Territories such Court shall reside. Such Secretary 'or Registrar shall register all the Acts of such Court, and shall, before he enters upon his Office, 'make Oath before the Court to which he is appointed, that he will conduct himself with due 'Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his 'said Office.

'The Salary of the Secretary or Registrar to be established on the Coast of *Africa* shall be paid 'by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in 'the Possessions of the *Argentine* Confederation shall be paid by the Government of that Republic.

'Each of the Governments shall defray Half of the aggregate Amount of the incidental Expences 'of such Courts.

'ARTICLE II.—The Expences incurred by the Officer charged with the Reception, Maintenance, 'and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and 'all Disbursements occasioned by bringing the Vessel to Adjudication, shall, in case of Condemnation, 'be defrayed out of the Funds arising from the Sale of the Materials of the broken-up Vessel, of 'the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and in case the 'Proceeds arising from this Sale should not prove sufficient to defray such Expences, then the 'Deficiency shall be made good by the Government of the Country within whose Territories the 'Adjudication shall have taken place.

'If the detained Vessel shall be released, the Expences occasioned by bringing her to Adjudication 'shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided for by 'Article IX. of the Treaty to which these Regulations form an Annex, and by Article VII. of these 'Regulations.

'ARTICLE III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention 'of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

'These Courts shall judge definitively, and without Appeal, all Questions which shall arise out 'of the Capture and Detention of such Vessels.

'The Proceedings of these Courts shall take place with as little Delay as possible, and for this 'Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space 'of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought 'into the Port where the deciding Court shall reside.

'If, in consequence of such Proceedings, the Vessel whose Case is brought before the Court shall 'be found to be employed in the Slave Trade, or to have been fitted out for the Purposes thereof, 'such Vessel, her Cargo of Merchandize and her Equipments, shall be condemned by the Court, and 'shall be declared lawful Prize; and any Slaves who may have been put on board such Vessel for 'the Purposes of Traffic shall be emancipated.

'The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either 'on account of the Absence of Witnesses or for any other Reason, except upon the Application of 'any of the Parties interested, in which Case, if such Party or Parties shall give satisfactory Security 'that they will take upon themselves the Expence and Risks of the Delay, the Courts may, at their 'Discretion, grant an additional Delay, not exceeding Four Months.

'Either

'Either Party shall be allowed to employ such Counsel as he may think fit, to assist him in 'conducting his Cause. All the essential Parts of the Proceedings of the said Courts shall be 'written down in One Act, in the Language of the Country in which the Courts shall respectively 'reside.

'ARTICLE IV.—The Form of the Process shall be as follows:

'The Judges appointed by the Two Governments respectively shall, in the first place, proceed to 'examine the Papers of the detained Vessel, and to take the Depositions of the Master or Com- 'mander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as 'the Declaration on Oath of the Captor, should such Declaration appear to be necessary, in order 'to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, 'according to the Stipulations of the aforesaid Treaty.

'In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce 'with respect to the Legality of the Detention of any Vessel, as to the Liability of the Vessel to 'Condemnation, as to the Compensation to be allowed to the Owners, or as to any other Question 'which may arise out of any Capture, or if any Difference of Opinion should arise between them as 'to the Mode of Proceeding in the said Court, they shall in any such Case draw by Lot the Name 'of one of the Two Arbitrators appointed as is stated in Article I. of this Annex; and the Arbitrator 'whose Name shall be so drawn shall, after he has considered the Proceedings which have taken 'place, consult with the Two above-mentioned Judges; and the final Sentence or Decision shall be 'pronounced in conformity with the Opinion of the Majority of the Three.

'ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel 'and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the 'Master, or to the Person who represents him; and such Master or other Person may before the 'same Court claim to have a Valuation made, in order to ascertain the Amount of the Damages to 'which he shall be entitled. The Captor himself, and in his Default his Government, shall remain 'responsible for the Damages which may definitively be pronounced to be due to the Master of such 'Vessel, or to the Owners of the Vessel or of her Cargo.

'The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the 'Date of the Sentence, the Costs and Damages which may be awarded by the aforesaid Court, it 'being mutually understood and agreed that such Costs and Damages shall be made good by the 'Government of the Country of which the Captor shall be a Subject or Citizen.

'ARTICLE VI.—If a detained Vessel shall be condemned, she shall be declared lawful Prize, 'together with her Cargo, whatever it may be, with the Exception of the Slaves who shall have 'been found on board; and the said Vessel, in conformity with the Regulations in Article X. of 'the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the 'Two Governments, subject to the Payment of the Expences herein-before mentioned.

'Each Slave shall receive from the Court a Certificate of Emancipation, and shall be delivered 'over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with 'according to the Regulations and Conditions contained in the Annex to this Treaty, Letter (C.)

'ARTICLE VII.—The Commander and the Crew of a Vessel condemned under this Treaty, and 'all Persons found on board who shall have been Accomplices in her Slave Trade Undertaking, 'shall, on Condemnation of the Vessel, be sent as Prisoners to the nearest Settlement of the Country 'of which they are Subjects or Citizens, and shall be there delivered over to the Authorities of the 'Place, to be tried according to the Laws of their Country for the Offences which they have com- 'mitted against those Laws. The Commander of the Cruiser which made the Capture of the Vessel 'shall, on the Requisition of the Members of the Mixed Courts of Justice, take charge of the 'Commander, the Crew, and Accomplices on board of the captured Vessel, and shall convey them 'and deliver them over as before mentioned.

'The Charges incurred for the Support and Return Voyage of the Commander, the Crew, and the 'Accomplices thus sent as Prisoners, shall be defrayed by the Government of which they are the 'Subjects or Citizens.

'ARTICLE VIII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide 'definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to 'Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but 'which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein 'Restitution of such Vessels and Cargoes shall be decreed (save as mentioned in a subsequent Part 'of these Regulations, and in Article IX. of the Treaty to which these Regulations form an Annex), 'the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies, 'for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses 'and Damages which the Owner or Owners may have actually sustained by such Capture and 'Detention; (that is to say,)

'First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

'(a) For the Ship, her Tackle, Equipment, and Stores.

'(b) For all Freights due and payable.

'(c) For the Value of the Cargo of Merchandize, if any, deducting all Charges and 'Expences payable upon the Sale of such Cargo, including Commission of Sale.

'(d) For all other regular Charges in such Case of total Loss.

'Secondly,

'Secondly,—In all other Cases, not of total Loss, save as herein-after mentioned, the Claimant 'or Claimants shall be indemnified,—

'(a) For all special Damages and Expences occasioned to the Ship by her Detention, and 'for Loss of Freight when due or payable.

'(b) For Demurrage, according to the Schedule annexed to the present Article.

'(c) For any Deterioration of the Cargo.

'(d) For all Premium of Insurance on additional Risks.

'Further, the Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum* 'per Annum on the Sum awarded, until such Sum is paid by the Government to which the capturing 'Ship belongs. The whole Amount of such Indemnification shall be calculated in the Money of the 'Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange current 'at the Time of the Award.

'The Two High Contracting Parties, however, have agreed, that if it shall be proved to the 'Satisfaction of the Judges of the Two Nations, and without recourse to the Decision of an Arbi- 'trator, that the Captor has been led into Error by the Fault of the Master or Commander of the 'detained Vessel, the detained Vessel shall in such Case not receive for the Time of her Detention 'the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, 'or Expences consequent upon such Detention.

'SCHEDULE of Demurrage or daily Allowance for a Vessel of

'100	Tons to	120	inclusive	-	-	£5	*per Diem.*
'121	„	150	„	-	-	6	„
'151	„	170	„	-	-	8	„
'171	„	200	„	-	-	10	„
'201	„	220	„	-	-	11	„
'221	„	250	„	-	-	12	„
'251	„	270	„	-	-	14	„
'271	„	300	„	-	-	15	„

'And so in proportion.

'ARTICLE IX.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts 'of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall 'be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the 'Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

'ARTICLE X.—The Two High Contracting Parties have agreed, that in the event of the Death, 'Sickness, Absence on Leave, or other legal Impediment of One or more of the Judges or Arbi- 'trators composing the above-mentioned Courts, the Post of such Judge or of such Arbitrator shall 'be supplied *ad interim* in the following Manner:

'First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit in one of 'the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall 'be filled by the *British* Arbitrator, and either in that Case, or if the Vacancy be originally that 'of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the 'Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of 'the same, and by the Secretary of the Government; and the said Court so constituted as above 'shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall 'pass Sentence accordingly.

'Secondly,—On the Part of *Great Britain*, and in that Court which shall sit in some Place 'within the Territories of the *Argentine* Confederation, if the Vacancy be that of the *British* 'Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the 'Vacancy be originally that of the *British* Arbitrator, the Place of *British* Arbitrator shall be 'filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul 'or *British* Vice Consul appointed to and resident in such Place; and if the Vacancy be both 'of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge 'shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice 'Consul, if there be a *British* Consul and a *British* Vice Consul appointed to and resident in such 'Place; and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* 'Arbitrator, then the *Argentine* Arbitrator shall be called in, in those Cases in which a *British* 'Arbitrator (if there were any) would be called in; and in case the Vacancy be both of the '*British* Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice 'Consul to fill *ad interim* the Vacancies, then the *Argentine* Judge and *Argentine* Arbitrator shall 'sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass 'Sentence accordingly.

'Thirdly,—On the Part of the *Argentine* Republic, and in that Court which shall sit within 'the Territories of that Republic, if the Vacancy be that of the *Argentine* Judge, his Place shall 'be filled by the *Argentine* Arbitrator; and either in that Case, or if the Vacancy be originally 'that of the *Argentine* Arbitrator, the Place of such Arbitrator shall be filled successively by the 'highest Civil Authority resident in such Possession, by the principal Magistrate of the same, 'and by the Secretary of the Government, which, if the Court is held at *Buenos Ayres*, will be 'executed by the President of the Court of Appeal, by the senior Member of that Court, and

'by

'by the Attorney General of the Province; and the said Court so constituted as above shall 'sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass 'Sentence accordingly.

'Fourthly,—On the Part of the *Argentine* Republic, and in that Court which shall sit within 'the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Argentine* Judge, his 'Place shall be filled by the *Argentine* Arbitrator; and either in that Case, or if the Vacancy be 'originally that of the *Argentine* Arbitrator, the Place of the *Argentine* Arbitrator shall be filled 'successively by the *Argentine* Consul and *Argentine* Vice Consul, if there be an *Argentine* Con- 'sul or *Argentine* Vice Consul appointed to and resident in such Possession; and if the Vacancy 'be both of the *Argentine* Judge and of the *Argentine* Arbitrator, then the Vacancy of the *Argen- 'tine* Judge shall be filled by the *Argentine* Consul, and that of the *Argentine* Arbitrator by the '*Argentine* Vice Consul, if there be an *Argentine* Consul and an *Argentine* Vice Consul appointed 'to and resident in such Possession; and if there be no *Argentine* Consul or *Argentine* Vice 'Consul to fill the Place of *Argentine* Arbitrator, then the *British* Arbitrator shall be called in, 'in those Cases in which an *Argentine* Arbitrator would be called in; and in case the Vacancy 'be both of the *Argentine* Judge and *Argentine* Arbitrator, and there be neither *Argentine* Consul 'nor *Argentine* Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and *British* 'Arbitrator shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, 'and shall pass Sentence accordingly.

'The highest Civil Authority of the Settlement wherein either of the Mixed Courts of Justice 'shall sit shall, in the event of the Vacancy arising either of the Judge or of the Arbitrator of 'the other High Contracting Party, forthwith give Notice of the same to the highest Civil Autho- 'rity of the nearest Settlement of such other High Contracting Party, in order that such Vacancy 'may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees 'to fill up definitively as soon as possible the Vacancies which may arise in the above-mentioned 'Courts from Death, or from any other Cause whatever.

'The undersigned Plenipotentiaries have agreed, in conformity with Article XII. of the Treaty 'signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred and thirty- 'nine, that the preceding Regulations, consisting of Ten Articles, shall be annexed to the said 'Treaty, and considered an integral Part thereof. Signed this Day, the Twenty-fourth Day of *May* 'One thousand eight hundred and thirty-nine.

'(L. s.) *J. H. Mandeville.*

'ANNEX (C.)

'*Regulations for the good Treatment of liberated Negroes.*

'ARTICLE I.—The Object of these Regulations is, to secure to Negroes liberated by virtue of the 'Stipulations of the Treaty to which these Regulations form an Annex (marked (C.) permanent 'good Treatment, and full and complete Freedom, in conformity with the humane Intentions of the 'High Contracting Parties.

'ARTICLE II.—Immediately after Sentence of Condemnation shall have been passed by a Mixed 'Court of Justice established under the Treaty to which these Regulations form an Annex, on a 'Vessel charged with being concerned in the Slave Trade, all Negroes who were on board such 'Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the 'Government to whom belongs the Cruiser which made the Capture.

'ARTICLE III.—If the Cruiser which made the Capture is *British* the *British* Government engages 'that the Negroes shall be treated in exact conformity with the Laws in force in the *British* Colonies 'applicable to free-born or to emancipated Negroes.

'ARTICLE IV.—If the Cruiser which made the Capture is *Argentine*, then the Negroes shall be 'delivered over to the *Argentine* Authorities of that Place in the Dominions of the *Argentine* Con- 'federation in which the Mixed Court of Justice is established; and the *Argentine* Government 'solemnly engages that such Negroes shall be there treated strictly according to the Regulations in 'force at the Time being in the *Argentine* Confederation with respect to free Negroes. The *Argen- 'tine* Confederation further engages, that those Regulations shall always be framed with the view of 'securing honestly and faithfully to emancipated Negroes unmolested Liberty, good Treatment, a 'Knowledge of the Tenets of the Christian Religion, Advancement in Morality and Civilization, and 'sufficient Instruction in the mechanical Arts to enable the said emancipated Negroes to earn their 'own Subsistence as Artizans, Mechanics, or Servants.

'ARTICLE V.—For the Purpose which is explained in the following Article there shall be kept in 'the Office of the Governor of that Part of the Possessions of the *Argentine* Confederation where the 'Mixed Court of Justice resides a Register of all emancipated Negroes, and in such Register shall be 'entered with scrupulous Exactness the Names given to the Negroes, the Names of the Vessels in 'which they were captured, the Names of the Persons to whose Care they have been committed, and 'any other Circumstance likely to contribute to the full and permanent Liberty and Welfare of such 'emancipated Negroes.

'ARTICLE VI.—The Register to which the preceding Article refers will serve to form a general 'Return, which the Governor of that Part of the Possessions of the *Argentine* Confederation where 'the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid

'Mixed Commission, in order to show the continued Freedom of the Negroes emancipated under this 'Treaty, the Improvement effected in their Condition, and the Progress made in their religious and 'moral Instruction, and in their Acquirement of the Arts of Life. The aforesaid Return shall also 'specify the Names and Descriptions of such of the emancipated Negroes as shall have died since 'the Period of the last Return.

'ARTICLE VII.—The High Contracting Parties agree, that if in future it should appear necessary 'to adopt new Measures, in consequence of those which are laid down in this Annex turning out 'inefficacious, the said High Contracting Parties will consult together, and will agree upon other 'Means better adapted for the complete Attainment of the Objects they have in view.

'ARTICLE VIII.—The undersigned Plenipotentiaries have agreed, in conformity with the Thir- 'teenth Article of the Treaty signed by them on this Day, the Twenty-fourth Day of *May* One 'thousand eight hundred and thirty-nine, that this Annex, consisting of Eight Articles, shall be 'united to the said Treaty, and be considered an integral Part thereof. This Twenty-fourth Day 'of *May* One thousand eight hundred and thirty-nine.

'(L.S.) *J. H. Mandeville.*

'ARTICLES additional to the Treaty concluded this Twenty-fourth Day of *May* One thousand eight 'hundred and thirty-nine, between Her *Britannic* Majesty and the *Argentine* Confederation, for 'the Suppression of the Slave Trade.

'ARTICLE I.—It is agreed and understood, that if there should be any Delay in appointing the 'Judge and the Arbitrator to be nominated on the Part of the *Argentine* Confederation to act in 'each of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after 'being appointed, should at any Time be absent, then and in either of such Cases the Judge and 'Arbitrator who shall have been appointed on the Part of Her *Britannic* Majesty, and who shall be 'present in the said Courts, shall, in the Absence of the *Argentine* Judge and Arbitrator, proceed to 'open the said Courts, and to adjudge such Cases as may be brought before them under the Treaty; 'and the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have 'the same Force and Validity as if the Judge and the Arbitrator on the Part of the *Argentine* Con- 'federation had been appointed, and had been present and acting in the Mixed Courts in the Cases 'in question.

'ARTICLE II.—It is also agreed, notwithstanding the Provisions of the First Article of the Annex '(B.), that so long as no *Argentine* Judge and Arbitrator shall have been nominated it will be 'unnecessary for the *Argentine* Confederation to nominate the Secretary or Actuary mentioned in 'the said Article; that in the meanwhile the Secretary or Actuary of that Court which may exist 'within the Territory of the *Argentine* Confederation shall be named and paid by the Government 'of Her *Britannic* Majesty; and that the entire Expence of both the Courts to be established under 'this Treaty shall be borne by the Government of Her *Britannic* Majesty.

'ARTICLE III.—If, in the drawing up of this Treaty in the *Spanish* Language, any involuntary 'Error has been made in the Translation, the *English* Text is to be adhered to.

'The present additional Articles shall form an integral Part of the Treaty for the Suppression of 'the Slave Trade signed this Day, and shall have the same Force and Validity as if they were 'inserted Word for Word in that Treaty, and shall be ratified as soon as possible within the Term of 'Eight Months from the Date of the present Treaty.

'Done at *Buenos Ayres*, this Twenty-fourth Day of *May* in the Year of our Lord One thousand 'eight hundred and thirty-nine. (L.S.) *J. H. Mandeville.*

'And whereas by the Thirteenth and last Article of the said Treaty it was agreed that the same should be 'ratified, and the Ratifications thereof should be exchanged in *Buenos Ayres* within the Space of Eight 'Months, or sooner if possible: And whereas the said Treaty was ratified by and between Her Majesty 'and the *Argentine* Confederation respectively, and such Ratifications were exchanged at *Buenos Ayres* 'on the Sixteenth Day of *May* in the Year of our Lord One thousand eight hundred and forty: And 'whereas it is expedient and necessary that effectual Provision should be made for carrying into 'execution the Provisions of the Treaty aforesaid, and the Articles additional thereto:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Officer commanding any Ship of War of Her Majesty or of the *Argentine* Confederation, who shall be duly instructed and authorized according to the several Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having, during the Voyage in which such Vessel is met, been engaged in such Traffic, and to detain and send or carry away such Vessel, together with its Masters, Crew, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the said Treaty and the Articles additional thereto; and all such Commanders and other Officers of Her said Majesty's Ships are hereby authorized and required, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute, perform, and comply with the said several Provisions and Instructions of the said Treaty and Articles as apply thereto respectively.

Commanders of Ships of War to exercise the Right of searching Merchant Vessels of either Nation reasonably suspected of being engaged in the Slave Trade.

II. And

Ships suspected of having been fitted out for the Purpose of Traffic in Slaves liable to Search.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having, during the Voyage in which such Vessel is met, been engaged in such Traffic, and all Boats, Apparel, and Cargoes therein, shall be and are hereby declared to be and made subject to Search and Detention by any Ship or Vessel of War of Her Majesty or of the *Argentine* Confederation, duly authorized for that Purpose, according to the Stipulations of the said Treaty and Articles, and are also hereby made subject to the Adjudication of and to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty and Articles.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty and Articles mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Judges and Arbitrators are hereby authorized and empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes, as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of the said Treaty and Articles, as fully and effectually to all Intents and Purposes as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to nominate and appoint any Secretary or Registrar to the Mixed Court or Courts which shall be established in virtue of the said Treaty and Articles, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Courts, and to grant a Salary or Salaries to any such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and any such Secretary or Registrar is hereby authorized and empowered to do, perform, and execute all the Duties of such Office set forth and prescribed by the said Treaty and Articles, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary for the due Discharge of the Duties of his said Office.

In case of the *Death or Incapacity from Illness of any British Judge* of such Courts, or of the British Arbitrator.

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the *Argentine* Confederation, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled *ad interim* by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the Arbitrator, on behalf of the *Argentine* Confederation, to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall and may be lawful for the Judge and Arbitrator appointed by the *Argentine* Confederation of such Court to sit alone in such Court; and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to Her *Britannic* Majesty or to the *Argentine* Confederation, in which the Court shall be established; which Oath any such Magistrate is hereby authorized to administer in the Form following; (that is to say,)

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty and Articles additional thereto between Her Majesty and the *Argentine* Confederation, signed at *Buenos Ayres* on the Twenty-fourth Day of *May* One thousand eight hundred and thirty-nine.'

Secretary or Registrar to take an Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and Articles, and of this Act, shall, before he enters on the Duties of his said Office, take an Oath before One of the Judges of the said Court, who is hereby empowered to administer the same, in the Form following; (that is to say,)

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour either for Claimants or Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges or Arbitrators, under the said Treaty and Articles, and this Act, and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Suit, Proceeding, Matter, or Thing under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken upon or in any Proceeding before the Judges or Arbitrators aforesaid under the said Treaty or Articles additional, or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo, or Slaves taken, seized, or detained by virtue of the said Treaty or Articles, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be and be deemed and adjudged in any Court whatever to be a good and complete Bar in any Action, Suit, or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or Act, Matter, or Thing, done under the Authority or in pursuance of the Provisions of the said Treaty or Articles; any thing in any Act or Acts of Parliament, or Law or Laws, to the contrary notwithstanding.

Captors of Vessels shall, after the same are condemned, be entitled to the Proceeds belonging to Her Majesty.

X. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized under the Provisions of the said Treaty or Articles to make such Seizure, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

XI. And be it enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty or Articles, a Bounty of Five Pounds of lawful Money of *Great Britain*, for every Man, Woman, and Child Slave seized and found on board a *British* or *Argentine* Confederation Ship or Vessel taken and delivered over and condemned in pursuance of the Provisions of the said Treaty or Articles, and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order and direct, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Bounties not liable to Payment of Fees.

XII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

XIII. Pro-

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money, the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. Mode of obtaining such Bounty.

XIV. And be it enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Argentine* Confederation Ship or Vessel, in pursuance of the Provisions of the said Treaty and Articles, and of this Act, but who shall not have been condemned, or shall not have been delivered over, in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, if to them in their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of a Sum not exceeding One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned. Where Slaves taken shall not have been condemned, or shall not have been delivered over, the Treasury may allow One Moiety of the Bounty.

XV. Provided always, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Argentine* Confederation Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty or Articles, shall and may resort to the High Court of Admiralty, for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties now in force respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships or Vessels of War. Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

XVII. And be it enacted, That when any Seizure shall be made, or Prosecution instituted, as or for the Violation of any of the Provisions of this Act, and Judgment shall be given against the Seizor or Prosecutor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs, Damages, and Expences as the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate Part thereof, and also such Costs and Expences as the said Seizor may have incurred in respect of such Seizure. Where Judgment given against Seizor, or Seizure relinquished, Treasury may direct Payment of Costs and Damages.

XVIII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Sums of Money awarded by the Mixed Commission Courts to be due on account of any unlawful Seizure or Detention by any of Her Majesty's authorized Cruisers: Provided always, that nothing herein contained shall exempt the Seizor from his Liability to make good the Payments so made, when lawfully called upon by Order of the said Commissioners. Treasury may direct Payment of Sums awarded for unlawful Seizures. Liability of Seizors not taken away.

XIX. Provided always, and it is hereby enacted, That if any of the Things specified in the Eighth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the said Mixed Courts, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention, although the said Mixed Court should not pronounce any Sentence of Condemnation. No Compensation when any Articles specified in the Eighth Article are found.

CAP. XLI.

An Act for carrying into effect a Convention between Her Majesty and the Republic of *Hayti* for the more effectual Suppression of the Slave Trade. [30th *June* 1842.]

Convention between Great Britain and France for Suppression of the Slave Trade.

'WHEREAS Two Conventions for the Suppression of the Slave Trade were concluded between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one, and the Twenty-second Day of *March* in the Year of our Lord One thousand eight hundred and thirty-three: And whereas by the Ninth Article of the first of the said Conventions the High Contracting Parties thereto agreed to invite the other Maritime Powers to accede thereunto: And whereas an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into effect Two Conventions with the King of the* French *for suppressing the Slave Trade:* And whereas a Convention was concluded between Her *Britannic* Majesty, His Majesty the King of the *French*, and the Republic of *Hayti*, containing the Accession of the Republic of *Hayti* to the aforesaid Two Conventions between *Great Britain* and *France* for the more effectual Suppression of the Slave Trade: And whereas the said 3 & 4 W. 4. c. 72.

'Convention

'Convention was signed at *Port-au-Prince* on the Twenty-third Day of *December* One thousand eight 'hundred and thirty-nine, whereby it was agreed as follows:—

'ARTICLE I.—The President of the Republic of *Hayti* accedes to the Conventions concluded and 'signed on the Thirtieth of *November* One thousand eight hundred and thirty-one, and on the 'Twenty-second of *March* One thousand eight hundred and thirty-three, between His late Majesty 'the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the '*French*, relating to the Suppression of the Slave Trade, as well as to the Annex of the latter 'Convention, containing Instructions to Cruisers, excepting the Reservations and Modifications 'expressed in the Articles II., III., IV., and V. herein-after given, which Articles shall be con-'sidered additional to the said Conventions, and to the Annex above mentioned, and excepting the 'Differences which necessarily result from the Situation of the President of the Republic of *Hayti* 'as a Party acceding to these Conventions after their Conclusion:

'Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* accepts the 'Accession of the President of the Republic of *Hayti*:

'Therefore all the Articles of the Two Conventions aforesaid, and all the Conditions of the said 'Annex, shall, excepting the Reservations and Modifications aforesaid, be held to have been 'concluded and signed in the same Manner as the present Convention directly between Her 'Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the President of the 'Republic of *Hayti*:

'The High Contracting Parties engage and promise reciprocally to each other to execute faith-'fully all the Clauses, Conditions, and Obligations of the present Convention, subject always to the 'Reservations and Modifications therein contained; and in order to prevent any Uncertainty it has 'been agreed that the above-mentioned Conventions, and the Annex of the latter, containing 'Instructions to Cruisers, shall be inserted here Word for Word [which were accordingly inserted 'Word for Word therein].

'ARTICLE II.—It is agreed, with reference to the Fifth Article of the Instructions annexed to the 'Supplementary Convention of the Twenty-second of *March* One thousand eight hundred and 'thirty-three, that all Vessels bearing the *Haytian* Flag, and appearing by their Papers to belong to '*Hayti*, which shall be detained, in execution of the Conventions above described, by the Cruisers 'of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, shall be conducted 'or sent to *Port-au-Prince*, Capital of the Republic of *Hayti*.

'ARTICLE III.—If the Republic of *Hayti* should not deem it expedient to fit out Cruisers for the 'Suppression of the Slave Trade, it nevertheless engages to furnish the special Authority or Warrant 'required by the Fifth Article of the Convention of the Thirtieth *November* One thousand eight 'hundred and thirty-one to the Commanders of the *British* Cruisers, as soon as the Names and the 'Number thereof shall have been notified to the Republic.

'ARTICLE IV.—Whereas the Islands of *Cuba* and of *Porto Rico* are only separated from the 'Island of *Hayti* by a narrow Strait each: And whereas the Republic of *Hayti*, as a free, sovereign, 'and independent State, possesses the exclusive Right of Police within its own Waters: It is agreed 'that, by Exception to Numbers 3. and 4. of Article I. of the Convention of the Thirtieth '*November* One thousand eight hundred and thirty-one, *British* Cruisers shall not search *Haytian* 'Vessels navigating within that Half of one or the other Strait contiguous to the Coasts of *Hayti*.

'ARTICLE V.—It is also agreed—

'First,—That Article II. of the Convention of the Thirtieth of *November* One thousand 'eight hundred and thirty-one, Article I. of the Convention of the Twenty-second of *March* 'One thousand eight hundred and thirty-three, and No. 1. of the Instructions thereunto annexed, 'shall, as far as the Commanders of *Haytian* Cruisers are concerned, be understood in this 'Sense, that the said Commanders shall be of the Ranks therein specified, or of corresponding 'Ranks.

'Second,—That, by Exception to Article V. of the Convention of the Twenty-second *March* 'One thousand eight hundred and thirty-three, that Portion of the net Produce of the Sale of 'the captured Vessels and of their Cargoes which falls to the Share of the *British* Cruisers 'shall, conformably to the *Haytian* Laws, be only Fifty *per Centum* of the net Produce of the 'Sale; and it is further understood, that no Kind of Head Money will be due by the *Haytian* 'Government on Captives found on board the said Ships, and landed in the Republic.

'Third,—That the last Paragraph of Article XI. of the Convention of the Twenty-second '*March* One thousand eight hundred and thirty-three; (*videlicet*,) "They reserve to themselves, 'however, for the Welfare of the Slaves themselves, the Right to employ them as Servants or free 'Labourers, conformably to their respective Laws," shall be held null and void as regards the '*Haytian* Government, inasmuch as the Liberty they will enjoy in *Hayti* will, conformably to the 'Intention of the Constitution, be full, entire, and without Restraint, and as, according to a Law 'passed on the Nineteenth of *November* last, the Republic has proclaimed that it will provide for 'their Welfare.

'And whereas by the Sixth and last Article of the said Convention it was agreed that the same should be 'ratified, and the Ratifications thereof should be exchanged at *Port-au-Prince* within the Space of 'Six Months, or sooner if possible: And whereas the said Convention was ratified by and between Her

'Majesty

'Majesty and the Republic of *Hayti* respectively, and such Ratifications were exchanged at *Port-au-Prince* on the Twentieth of *October* in the Year of our Lord One thousand eight hundred and forty: And whereas it is expedient and necessary that the Provisions of the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth should be applied to the said Convention of Accession of the Republic of *Hayti*, signed at *Port-au-Prince*, One thousand eight hundred and thirty-nine, for the carrying into execution the said Convention and Articles for the more effectual Suppression of the Slave Trade:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Clauses, Provisions, Powers, and Authorities contained in, and all Penalties and Forfeitures imposed by, the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be applied and put in force for the Purpose of carrying into execution the said Convention, and the several Articles, Stipulations, and Regulations therein respectively contained, (except so far as any of such Powers and Authorities are altered by this Act,) as fully and effectually as if the same were re-enacted in this Act as to such Convention, and as to all Matters therein respectively contained.

The Provisions of the recited Act extended to the Convention of Accession of the Republic of Hayti.

II. And be it enacted, That in pursuance of the said Second Article of the Convention all Vessels bearing the *Haytian* Flag, and appearing by their Papers to belong to *Hayti*, which may be detained, in execution of the said Conventions of the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-three respectively, by the Cruisers of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, shall be conducted or sent to *Port-au-Prince*, the Capital of the Republic of *Hayti*.

Slaves found on board Vessels captured bearing the Haytian Flag to be taken to certain Ports.

III. And be it enacted, That the Portion of the net Produce of the Sale of captured Vessels and of their Cargoes which falls to the Share of the *British* Cruiser shall be only Fifty *per Centum* or One Moiety of the Produce of the Sale thereof.

British Cruisers Share of captured Vessels.

IV. And be it enacted, That the several Enactments set forth in an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, and also in an Act of the First Year of the Reign of King *William* the Fourth, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*, and also in an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*, relative to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeiture to the Crown; to the Manner of disposing of the Slaves subsequent to Adjudication; to rewarding the Captors with a Moiety of the Proceeds of the Vessel and Cargo, as well as Bounty on the Vessel and Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty, where Slaves may not have been condemned or delivered over, in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court, shall be applied, *mutatis mutandis*, to Seizures of Vessels under this Act, in like Manner, Form, and Effect as if all the said Matters and Things, and all the said Powers and Penalties, Provisions, Enactments, and Clauses, were repeated and set forth, *mutatis mutandis*, in this Act.

Extending Provisions of 5 G. 4. c. 113., 11 G. 4. & 1 W. 4. c. 55., and 1 & 2 Vict. c. 47., to Vessels seized under this Act.

CAP. XLII.

An Act for better and more effectually carrying into effect Treaties and Conventions with Foreign States for suppressing the Slave Trade. [30th *June* 1842.]

'WHEREAS Her Majesty is engaged in Negotiations with certain Foreign Powers, for the Purpose of concluding Treaties, Conventions, or additional Stipulations, having for their Object the Suppression of the Slave Trade: And whereas such Treaties, Conventions, and Stipulations may contain Engagements for establishing Tribunals to try and decide Questions which may arise under such Treaties, Conventions, or Stipulations: And whereas it is expedient that Provision should be made for carrying such Treaties, Conventions, or Stipulations into execution:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, as may in and by the said Treaties, Conventions, or Stipulations, and Regulations thereto annexed, be stipulated to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, are hereby authorized and empowered to examine and decide all such Cases of Detention, Capture, and Seizure of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaties, Conventions, Instructions,

Her Majesty may appoint Commissary Judges and Commissioners of Arbitration.

Their Jurisdiction.

Instructions, and Regulations, or included therein, as are by any such Treaties, Conventions, Stipulations, Instructions, and Regulations therein made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of such Treaties, Conventions, or Stipulations, and any Instructions and Regulations annexed thereto, as fully and effectually, to all Intents and Purposes, as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

The Queen may appoint a Secretary to the Commission Courts, with a Salary; his Authority and Duty.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the respective Commissions and Courts which shall be established in Her Majesty's Dominions, and from Time to Time supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and every such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the Duties of such Office as set forth and described in any Treaty, Convention, or Stipulation, Instructions and Regulations respectively, for which he shall have been appointed, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary, for the due Discharge of the Duties of his Office, according to the Provisions of any such Treaty, Convention, or Stipulation, and the Instructions and Regulations therein respectively contained.

Governors of Colonies to fill up Vacancies in Commissions pro tempore.

III. And be it enacted, That it shall be lawful for the Governor or Lieutenant Governor or principal Magistrate of the Colony or Settlement in which such Commission or Court shall sit within the Possessions of Her *Britannic* Majesty to fill up every Vacancy which shall arise in such Commission or Court, either of Commissary Judge, Commissioner of Arbitration, or any Officer thereof, appointed by Her Majesty as aforesaid, according to the Provisions contained in any Regulations annexed to such Treaties, Conventions, or Stipulations as aforesaid, *ad interim*, until such Vacancy or Vacancies shall be thereafter filled by some Person or Persons appointed by Her Majesty for that Purpose.

Oath to be taken by Commissary Judges and Arbitrators.

IV. And be it enacted, That every Commissary Judge and Commissioner of Arbitration appointed by Her Majesty, or *ad interim*, as aforesaid, shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission or Court shall be appointed to reside; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to Her Majesty in which such Commission or Court shall be appointed is hereby authorized to administer in the Form following; (that is to say,)

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors or any other Persons, and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty or Convention between Her Majesty and [*specify the Treaty, Convention, or Stipulation*]. So help me GOD.'

Oath to be taken by Secretary or Registrar.

V. And be it enacted, That every Secretary or Registrar appointed by Her Majesty, or *ad interim*, as aforesaid, under the Provisions of any such Treaty, Convention, or Stipulation, or Instructions and Regulations, shall, before he enters on the Duties of his said Office, take an Oath before the *British* Commissary Judge as aforesaid, who is hereby empowered to administer the same in the Form following; (that is to say,)

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with due Respect to the Authority of the Commissary Judges and Commissioners of Arbitration of the Commission to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour, either for Claimants or Captors or any other Persons. So help me GOD.'

Oaths and Depositions in judicial Proceedings to be administered by Commissary Judges, &c.; who may summon Witnesses and send for Papers.

VI. And be it enacted, That it shall be lawful for the said Commissary Judges, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer Oaths to and take the Depositions of all Parties, Witnesses and other Persons, who may come or be brought before them to be examined, or for the Purpose of deposing, in the Course of any Proceeding before the said Commissary Judges and Commissioners of Arbitration, in the Cases in which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaties, Conventions, Stipulations, Instructions, or Regulations; and it shall also be lawful for the said Commissary Judges and Commissioners of Arbitration, in the Cases aforesaid, to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Suit, Proceeding, or Matter or Thing under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts, by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Persons giving false Evidence shall be deemed guilty of Perjury.

VII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition or Affidavit had or taken upon or in any Proceeding before the said Commissary Judges or Commissioners aforesaid, or in any Examination or Deposition or Affidavit had or taken before the said Secretary or Registrar, under any such Treaty, Convention, or Stipulation, or Instructions or Regulations, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury

Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed, or in any Colony or Settlement of Her Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*. Venue therein.

VIII. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Commissioners for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of any such Treaty, Convention, or Stipulation, or Instructions or Regulations thereto annexed, or the final Adjudication or Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be, and be deemed and adjudged in any Court whatever to be, a good and complete Bar in any Action, Suit, or Proceeding, whether brought or instituted by any Person or Persons, for the Recovery of any Ship, Vessel, or Cargo, or of any Damage for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or Act, Matter, or Thing, done under the Authority or in pursuance of the Provisions of the said Treaties or Conventions, or of the Instructions or Regulations thereto annexed. Pendency of Suits before the Commissioners shall be a Bar to any other Suit.

CAP. XLIII.

An Act to confirm certain Proceedings which may have been had after the passing of the Act intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace.* [1st *July* 1842.]

'WHEREAS an Act was passed in the present Session of Parliament, intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace*, whereby the Justices acting in and for any County, Riding, Division, or Liberty, and the Recorder of any Borough, are restrained from trying Persons charged with certain Offences in the said Act mentioned: And whereas Sessions of the Peace may have been holden and Trials had of Persons charged with some of the Offences mentioned in the said Act before the Justices at any such Session, or the Recorder, shall have had Notice of the said Act having received the Royal Assent;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Trial which may have been had of any Person for any Offence mentioned in the said Act at any Session of the Peace after the passing of the said Act, or which may be had before the Fifteenth Day of *July* in the present Year, and all Proceedings relative to any such Trial and consequent thereon, shall be as good, valid, and effectual in Law to all Intents and Purposes as if the said Act had not been passed; any thing in the said Act to the contrary notwithstanding. 5 & 6 Vict. c. 38. Trials had at Sessions since the passing of recited Act, or before 15th July, for Offences therein named, as valid as if the said Act had not passed.

CAP. XLIV.

An Act for the Transfer of Licences and Regulation of Public Houses. [1st *July* 1842.]

'WHEREAS it is expedient that greater Facilities should be given in the Transfer of Licences of Inns, Alehouses, and Victualling Houses, and likewise that some Regulations should be made, and for restraining the Sale of Spirituous Liquors on board Boats or other Vessels at anchor in the River *Thames*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, at any Petty Session of Justices of the Peace holden in and for any Division of every County and Riding, and in any Hundred of every County not being within such Division, and in every Liberty, City, Town, or Place within which any Inn, Alehouse, or Victualling House shall be situated, and for which the said Justices shall be acting, at any Time when no Special Session shall be holden for any such Division, Hundred, Liberty, City, Town, or Place, it shall be lawful, in those Cases where Justices of the Peace assembled at a Special Session are empowered, by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in* England, to transfer or grant Licences, before the Expiration thereof, to sell exciseable Liquors by Retail in the same House or Premises in respect of which any Person had been theretofore duly licensed, for the Majority of the Justices then present, upon Application made to them at any such Petty Session, by Indorsement under their Hands and Seals on any Licence which shall have been granted pursuant to the Provisions of the said Act at any General Licensing Meeting, or at any Adjournment thereof, to authorize (if they shall deem it proper so to do, after examining upon Oath all necessary Parties,) any Person not disqualified by the said Act, to whom it shall be proposed at the Time of such Application to transfer or grant any such Licence, to use, exercise, and carry on the Business of a Licensed Victualler at the same House and on the Premises, and there to sell such exciseable Liquors as might theretofore have been lawfully sold and retailed therein; and thereupon it shall be lawful for the Officer of Excise empowered to transfer Licences by Indorsement on the Excise Licences required to be transferred to give the like Authority to the Persons so authorized by the Magistrate or Justices; and the Authority so granted shall continue and be in force until the then next ensuing Special Session which shall be holden for the Division, Hundred, Liberty, City, Town, or Place within which such House and Premises Empowering Transfer of Licences by Justices at Petty Sessions; 9 G. 4. c. 61

Premises shall be situated, and no longer; at which Special Session the Justices then and there assembled, upon Application made to them pursuant to the said Act, touching any Transfer or Grant of Licence to the Party or Parties to whom such Authority shall have been so given at Petty Sessions as aforesaid, shall hear and dispose of such Application according to the Provisions of the said Act: Provided always, that nothing herein contained shall be construed to empower any Justices at Petty Sessions to give any such Authority as aforesaid within any of the Divisions assigned or to be assigned to any of the Police Courts already established or to be established within the Metropolitan Police District, except in the Borough of *Southwark*; but that any such Application as is herein-before directed to be made at Petty Sessions shall, when the House and Premises in respect whereof any Licence shall have been obtained under the said Act shall be situated within any of the said Police Court Divisions, and not in the Borough of *Southwark*, be made to one of the Police Magistrates sitting at any of the said Courts, and such Magistrate shall in his Discretion grant such Authority in the Manner and for the Time herein-after mentioned: Provided also, that any Person or Persons who shall be authorized, under the Provisions of this Act, to continue to carry on the Business of a Licensed Victualler, shall, after the obtaining such Authority, and so long as the same shall continue in force, be subject to all the Powers, Regulations, Proceedings, Penalties, and Provisions declared by or contained in any Act or Acts in force touching the Regulation, Government, or Control of Licensed Keepers of Inns, Alehouses, and Victualling Houses, in like Manner as if the same had been repealed and re-enacted, and that all Penalties and Forfeitures imposed by any such Act or Acts shall be applied as directed by the same respectively.

Proviso as to the Metropolitan Police District.

When Licences are lost a Copy may be endorsed and considered valid.

II. And be it enacted, That whenever it shall be proved to the Satisfaction of any such Magistrate or Justices at Petty Session, upon any Application made as aforesaid, that any Licence granted pursuant to the said Act passed in the Ninth Year of the Reign of King *George* the Fourth has been lost or mislaid, it shall and may be lawful for the said Magistrate or Justices to receive a Copy of such Licence, certified to be a true Copy under the Hand of the Clerk to the Licensing Justices by whom the said Licence shall have been granted, and to make such Indorsement thereon as he or they might make under the Provisions of this Act upon the original Licence; and such Indorsement upon the Copy so certified shall be as valid and effectual as if the same had been made upon the said Licence.

Fee for endorsing Copy.

III. And be it enacted, That for every such certified Copy and every such Indorsement a Fee of Two Shillings and Sixpence, and no more, shall and may be demanded and taken.

Disqualified Justices not to act at Petty Sessions.

IV. And be it enacted, That no Justice of the Peace shall act upon any Application which shall be so made at Petty Sessions as aforesaid who now is or shall be disqualified by Law from acting in or being present at any General Annual Licensing Meeting, or any Adjournment thereof, or at any Special Session for granting or transferring Licences to sell exciseable Liquors; and that every Justice who, being so disqualified, shall wilfully offend against this Provision, shall be liable to the same Penalty and Proceedings for the Recovery thereof as are specified and directed by the said Act of the Ninth Year of the Reign of King *George* the Fourth.

No Wines, &c. to be sold on board any Boats or Vessels moored or lying at anchor during the Time when prohibited to be sold at Public Houses.

V. And be it enacted, That no Wines, Spirits, or other exciseable Liquors shall be sold by Retail on board of any Boat, Steam Boat, or other Vessel which shall be moored or lying at anchor within the Metropolitan Police District, during the Hours and Times on *Sundays*, *Good Friday*, and *Christmas Day* on which Licensed Victuallers are by Law obliged to keep their Houses closed; and any Master, Steward, Mistress or Stewardess, or any other Person on board any such Boat, Steam Boat, or other Vessel, who shall during those Hours on *Sundays*, *Good Friday*, and *Christmas Day* in which the Houses of Licensed Victuallers shall be closed, sell any Wines, Spirits, or other exciseable Liquors, in and on board such Boat, Steam Boat, or other Vessel, within the said District, shall be liable to a Penalty not exceeding Five Pounds, which may be recovered before any Magistrate of the Metropolitan Police Courts, or if the Offence shall be committed beyond the Limits of any Metropolitan Police Court established or to be established, before any Two Justices of the Peace having Jurisdiction therein, or shall, in the Discretion of the Magistrate or Justices of the Peace before whom the Conviction shall take place, be imprisoned for any Time not longer than One Calendar Month in any Gaol or House of Correction within his Jurisdiction; and in every Case of the Adjudication of such pecuniary Penalty, and Nonpayment thereof, it shall be lawful for such Magistrate or Justices of the Peace to commit the Offender to such Gaol or House of Correction for a Term not exceeding One Calendar Month, the Imprisonment to cease on Payment of the Sum due; and such Penalty shall be paid to the Receiver of the Metropolitan Police, and be applied by him towards the Expences of the Police Courts established within the said District.

Act not to extend to Universities of Oxford and Cambridge.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities or otherwise.

CAP. XLV.

An Act to amend the Law of Copyright. [1st *July* 1842.]

'WHEREAS it is expedient to amend the Law relating to Copyright, and to afford greater Encouragement to the Production of literary Works of lasting Benefit to the World:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

That from the passing of this Act an Act passed in the Eighth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned;* and also an Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the further Encouragement of Learning in the United Kingdom of* Great Britain *and* Ireland, *by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, for the Time therein mentioned;* and also an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns,* be and the same are hereby repealed, except so far as the Continuance of either of them may be necessary for carrying on or giving effect to any Proceedings at Law or in Equity pending at the Time of passing this Act, or for enforcing any Cause of Action or Suit, or any Right or Contract then subsisting. Repeal of former Acts; 8 Anne, c. 19. 41 G. 3. c. 107. 54 G. 3. c. 156.

II. And be it enacted, That in the Construction of this Act the Word "Book" shall be construed to mean and include every Volume, Part or Division of a Volume, Pamphlet, Sheet of Letter-press, Sheet of Music, Map, Chart, or Plan separately published; that the Words "Dramatic Piece" shall be construed to mean and include every Tragedy, Comedy, Play, Opera, Farce, or other scenic, musical, or dramatic Entertainment; that the Word "Copyright" shall be construed to mean the sole and exclusive Liberty of printing or otherwise multiplying Copies of any Subject to which the said Word is herein applied; that the Words "personal Representative" shall be construed to mean and include every Executor, Administrator, and next of Kin entitled to Administration; that the Word "Assigns" shall be construed to mean and include every Person in whom the Interest of an Author in Copyright shall be vested, whether derived from such Author before or after the Publication of any Book, and whether acquired by Sale, Gift, Bequest, or by Operation of Law, or otherwise; that the Words "*British* Dominions" shall be construed to mean and include all Parts of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Jersey* and *Guernsey*, all Parts of the *East* and *West Indies*, and all the Colonies, Settlements, and Possessions of the Crown which now are or hereafter may be acquired; and that whenever in this Act, in describing any Person, Matter, or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and to be applied to several Persons as well as one Person, and Females as well as Males, and several Matters or Things as well as one Matter or Thing, respectively, unless there shall be something in the Subject or Context repugnant to such Construction. Interpretation of Act.

III. And be it enacted, That the Copyright in every Book which shall after the passing of this Act be published in the Lifetime of its Author shall endure for the natural Life of such Author, and for the further Term of Seven Years, commencing at the Time of his Death, and shall be the Property of such Author and his Assigns: Provided always, that if the said Term of Seven Years shall expire before the End of Forty-two Years from the first Publication of such Book, the Copyright shall in that Case endure for such Period of Forty-two Years; and that the Copyright in every Book which shall be published after the Death of its Author shall endure for the Term of Forty-two Years from the first Publication thereof, and shall be the Property of the Proprietor of the Author's Manuscript from which such Book shall be first published, and his Assigns. Endurance of Copyright in Books hereafter to be published in the Lifetime of the Author; or if published after the Author's Death.

IV. 'And whereas it is just to extend the Benefits of this Act to Authors of Books published before 'the passing thereof, and in which Copyright still subsists;' be it enacted, That the Copyright which at the Time of passing this Act shall subsist in any Book theretofore published (except as herein-after mentioned) shall be extended and endure for the full Term provided by this Act in Cases of Books thereafter published, and shall be the Property of the Person who at the Time of passing of this Act shall be the Proprietor of such Copyright: Provided always, that in all Cases in which such Copyright shall belong in whole or in part to a Publisher or other Person who shall have acquired it for other Consideration than that of natural Love and Affection, such Copyright shall not be extended by this Act, but shall endure for the Term which shall subsist therein at the Time of passing of this Act, and no longer, unless the Author of such Book, if he shall be living, or the personal Representative of such Author, if he shall be dead, and the Proprietor of such Copyright, shall, before the Expiration of such Term, consent and agree to accept the Benefits of this Act in respect of such Book, and shall cause a Minute of such Consent in the Form in that Behalf given in the Schedule to this Act annexed to be entered in the Book of Registry herein-after directed to be kept, in which Case such Copyright shall endure for the full Term by this Act provided in Cases of Books to be published after the passing of this Act, and shall be the Property of such Person or Persons as in such Minute shall be expressed. In subsisting Copyrights Term to be extended, except it belong to Assignee for other Consideration than natural Love and Affection; when it shall cease at the End of present Term unless Extension agreed to between Proprietor and Author.

V. 'And whereas it is expedient to provide against the Suppression of Books of Importance to the 'Public;' be it enacted, That it shall be lawful for the Judicial Committee of Her Majesty's Privy Council, on Complaint made to them that the Proprietor of the Copyright in any Book after the Death of its Author has refused to republish or to allow the Republication of the same, and that by reason of such Refusal such Book may be withheld from the Public, to grant a Licence to such Complainant to publish such Book, in such Manner and subject to such Conditions as they may think fit, and that it shall be lawful for such Complainant to publish such Book according to such Licence. Privy Council may license the Republication of Books which Proprietor refuses to republish after Death of Author.

VI. And be it enacted, That a printed Copy of the whole of every Book which shall be published after the passing of this Act, together with all Maps, Prints, or other Engravings belonging thereto, finished and coloured in the same Manner as the best Copies of the same shall be published, and also of any second or subsequent Edition which shall be so published with any Additions or Alterations, whether the same shall be in Letter Press, or in the Maps, Prints, or other Engravings belonging thereto, and whether the Copies of Books published after the passing of this Act, and of all subsequent Editions, to be delivered within

certain Times at the British Museum.

the first Edition of such Book shall have been published before or after the passing of this Act, and also of any second or subsequent Edition of every Book of which the first or some preceding Edition shall not have been delivered for the Use of the *British Museum*, bound, sewed, or stitched together, and upon the best Paper on which the same shall be printed, shall, within One Calendar Month after the Day on which any such Book shall first be sold, published, or offered for Sale within the Bills of Mortality, or within Three Calendar Months if the same shall first be sold, published, or offered for Sale in any other Part of the United Kingdom, or within Twelve Calendar Months after the same shall first be sold, published, or offered for Sale in any other Part of the *British* Dominions, be delivered, on behalf of the Publisher thereof, at the *British Museum*.

Mode of delivering at the British Museum.

VII. And be it enacted, That every Copy of any Book which under the Provisions of this Act ought to be delivered as aforesaid shall be delivered at the *British Museum* between the Hours of Ten in the Forenoon and Four in the Afternoon on any Day except *Sunday*, *Ash Wednesday*, *Good Friday*, and *Christmas Day*, to one of the Officers of the said Museum, or to some Person authorized by the Trustees of the said Museum to receive the same, and such Officer or other Person receiving such Copy is hereby required to give a Receipt in Writing for the same, and such Delivery shall to all Intents and Purposes be deemed to be good and sufficient Delivery under the Provisions of this Act.

A Copy of every Book to be delivered within a Month after Demand to the Officer of the Stationers Company, for the following Libraries: the Bodleian at Oxford, the Public Library at Cambridge, the Faculty of Advocates at Edinburgh, and that of Trinity College, Dublin.

VIII. And be it enacted, That a Copy of the whole of every Book, and of any second or subsequent Edition of every Book containing Additions and Alterations, together with all Maps and Prints belonging thereto, which after the passing of this Act shall be published, shall, on Demand thereof in Writing, left at the Place of Abode of the Publisher thereof at any Time within Twelve Months next after the Publication thereof, under the Hand of the Officer of the Company of Stationers who shall from Time to Time be appointed by the said Company for the Purposes of this Act, or under the Hand of any other Person thereto authorized by the Persons or Bodies Politic and Corporate, Proprietors and Managers of the Libraries following, (*videlicet*,) the *Bodleian* Library at *Oxford*, the Public Library at *Cambridge*, the Library of the Faculty of Advocates at *Edinburgh*, the Library of the College of the Holy and Undivided Trinity of Queen *Elizabeth* near *Dublin*, be delivered, upon the Paper of which the largest Number of Copies of such Book or Edition shall be printed for Sale, in the like Condition as the Copies prepared for Sale by the Publisher thereof respectively, within One Month after Demand made thereof in Writing as aforesaid, to the said Officer of the said Company of Stationers for the Time being, which Copies the said Officer shall and he is hereby required to receive at the Hall of the said Company, for the Use of the Library for which such Demand shall be made within such Twelve Months as aforesaid; and the said Officer is hereby required to give a Receipt in Writing for the same, and within One Month after any such Book shall be so delivered to him as aforesaid to deliver the same for the Use of such Library.

Publishers may deliver the Copies to the Libraries, instead of at the Stationers Company.

IX. Provided also, and be it enacted, That if any Publisher shall be desirous of delivering the Copy of such Book as shall be demanded on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same at such Library, free of Expence, to such Librarian or other Person authorized to receive the same (who is hereby required in such Case to receive and give a Receipt in Writing for the same), and such Delivery shall to all Intents and Purposes of this Act be held as equivalent to a Delivery to the said Officer of the Stationers Company.

Penalty for Default in delivering Copies for the Use of the Libraries.

X. And be it enacted, That if any Publisher of any such Book, or of any second or subsequent Edition of any such Book, shall neglect to deliver the same, pursuant to this Act, he shall for every such Default forfeit, besides the Value of such Copy of such Book or Edition which he ought to have delivered, a Sum not exceeding Five Pounds, to be recovered by the Librarian or other Officer (properly authorized) of the Library for the Use whereof such Copy should have been delivered, in a summary Way, on Conviction before Two Justices of the Peace for the County or Place where the Publisher making default shall reside, or by Action of Debt or other Proceeding of the like Nature, at the Suit of such Librarian or other Officer, in any Court of Record in the United Kingdom, in which Action, if the Plaintiff shall obtain a Verdict, he shall recover his Costs reasonably incurred, to be taxed as between Attorney and Client.

Book of Registry to be kept at Stationers Hall.

XI. And be it enacted, That a Book of Registry, wherein may be registered, as herein-after enacted, the Proprietorship in the Copyright of Books, and Assignments thereof, and in Dramatic and Musical Pieces, whether in Manuscript or otherwise, and Licences affecting such Copyright, shall be kept at the Hall of the Stationers Company, by the Officer appointed by the said Company for the Purposes of this Act, and shall at all convenient Times be open to the Inspection of any Person, on Payment of One Shilling for every Entry which shall be searched for or inspected in the said Book; and that such Officer shall, whenever thereunto reasonably required, give a Copy of any Entry in such Book, certified under his Hand, and impressed with the Stamp of the said Company, to be provided by them for that Purpose, and which they are hereby required to provide, to any Person requiring the same, on Payment to him of the Sum of Five Shillings; and such Copies so certified and impressed shall be received in Evidence in all Courts, and in all summary Proceedings, and shall be *primâ facie* Proof of the Proprietorship or Assignment of Copyright or Licence as therein expressed, but subject to be rebutted by other Evidence, and in the Case of Dramatic or Musical Pieces shall be *primâ facie* Proof of the Right of Representation or Performance, subject to be rebutted as aforesaid.

Making a false Entry in the Book of Registry, a Misdemeanor.

XII. And be it enacted, That if any Person shall wilfully make or cause to be made any false Entry in the Registry Book of the Stationers Company, or shall wilfully produce or cause to be tendered in Evidence any Paper falsely purporting to be a Copy of any Entry in the said Book, he shall be guilty of an indictable Misdemeanor, and shall be punished accordingly.

XIII. And

Entries of Copyright may be made in the Book of Registry.

XIII. And be it enacted, That after the passing of this Act it shall be lawful for the Proprietor of Copyright in any Book heretofore published, or in any Book hereafter to be published, to make Entry in the Registry Book of the Stationers Company of the Title of such Book, the Time of the first Publication thereof, the Name and Place of Abode of the Publisher thereof, and the Name and Place of Abode of the Proprietor of the Copyright of the said Book, or of any Portion of such Copyright, in the Form in that Behalf given in the Schedule to this Act annexed, upon Payment of the Sum of Five Shillings to the Officer of the said Company; and that it shall be lawful for every such registered Proprietor to assign his Interest, or any Portion of his Interest therein, by making Entry in the said Book of Registry of such Assignment, and of the Name and Place of Abode of the Assignee thereof, in the Form given in that Behalf in the said Schedule, on Payment of the like Sum; and such Assignment so entered shall be effectual in Law to all Intents and Purposes whatsoever, without being subject to any Stamp or Duty, and shall be of the same Force and Effect as if such Assignment had been made by Deed.

Persons aggrieved by Entry in Book of Registry may apply to a Court of Law or Judge in Vacation, who may order such Entry to be varied, &c.

XIV. And be it enacted, That if any Person shall deem himself aggrieved by any Entry made under colour of this Act in the said Book of Registry, it shall be lawful for such Person to apply by Motion to the Court of Queen's Bench, Court of Common Pleas, or Court of Exchequer, in Term Time, or to apply by Summons to any Judge of either of such Courts in Vacation, for an Order that such Entry may be expunged or varied; and that upon any such Application by Motion or Summons to either of the said Courts, or to a Judge as aforesaid, such Court or Judge shall make such Order for expunging, varying, or confirming such Entry, either with or without Costs, as to such Court or Judge shall seem just; and the Officer appointed by the Stationers Company for the Purposes of this Act shall, on the Production to him of any such Order for expunging or varying any such Entry, expunge or vary the same according to the Requisitions of such Order.

Remedy for the Piracy of Books by Action on the Case.

XV. And be it enacted, That if any Person shall, in any Part of the *British* Dominions, after the passing of this Act, print or cause to be printed, either for Sale or Exportation, any Book in which there shall be subsisting Copyright, without the Consent in Writing of the Proprietor thereof, or shall import for Sale or Hire any such Book so having been unlawfully printed from Parts beyond the Sea, or, knowing such Book to have been so unlawfully printed or imported, shall sell, publish, or expose to Sale or Hire, or cause to be sold, published, or exposed to Sale or Hire, or shall have in his Possession for Sale or Hire, any such Book so unlawfully printed or imported, without such Consent as aforesaid, such Offender shall be liable to a special Action on the Case at the Suit of the Proprietor of such Copyright, to be brought in any Court of Record in that Part of the *British* Dominions in which the Offence shall be committed: Provided always, that in *Scotland* such Offender shall be liable to an Action in the Court of Session in *Scotland*, which shall and may be brought and prosecuted in the same Manner in which any other Action of Damages to the like Amount may be brought and prosecuted there.

In Actions for Piracy the Defendant to give Notice of the Objections to the Plaintiff's Title on which he means to rely.

XVI. And be it enacted, That after the passing of this Act, in any Action brought within the *British* Dominions against any Person for printing any such Book for Sale, Hire, or Exportation, or for importing, selling, publishing, or exposing to Sale or Hire, or causing to be imported, sold, published, or exposed to Sale or Hire, any such Book, the Defendant, on pleading thereto, shall give to the Plaintiff a Notice in Writing of any Objections on which he means to rely on the Trial of such Action; and if the Nature of his Defence be, that the Plaintiff in such Action was not the Author or first Publisher of the Book in which he shall by such Action claim Copyright, or is not the Proprietor of the Copyright therein, or that some other Person than the Plaintiff was the Author or first Publisher of such Book, or is the Proprietor of the Copyright therein, then the Defendant shall specify in such Notice the Name of the Person who he alleges to have been the Author or first Publisher of such Book, or the Proprietor of the Copyright therein, together with the Title of such Book, and the Time when and the Place where such Book was first published, otherwise the Defendant in such Action shall not at the Trial or Hearing of such Action be allowed to give any Evidence that the Plaintiff in such Action was not the Author or first Publisher of the Book in which he claims such Copyright as aforesaid, or that he was not the Proprietor of the Copyright therein; and at such Trial or Hearing no other Objection shall be allowed to be made on behalf of such Defendant than the Objections stated in such Notice, or that any other Person was the Author or first Publisher of such Book, or the Proprietor of the Copyright therein, than the Person specified in such Notice, or give in Evidence in support of his Defence any other Book than one substantially corresponding in Title, Time, and Place of Publication with the Title, Time, and Place specified in such Notice.

No Person, except the Proprietor, &c. shall import into the British Dominions for Sale or Hire any Book first composed, &c. within the United Kingdom, and reprinted elsewhere, under Penalty of Forfeiture, and also of 10*l.* and

XVII. And be it enacted, That after the passing of this Act it shall not be lawful for any Person, not being the Proprietor of the Copyright, or some Person authorized by him, to import into any Part of the United Kingdom, or into any other Part of the *British* Dominions, for Sale or Hire, any printed Book first composed or written or printed and published in any Part of the said United Kingdom, wherein there shall be Copyright, and re-printed in any Country or Place whatsoever out of the *British* Dominions; and if any Person, not being such Proprietor or Person authorized as aforesaid, shall import or bring, or cause to be imported or brought, for Sale or Hire, any such printed Book, into any Part of the *British* Dominions, contrary to the true Intent and Meaning of this Act, or shall knowingly sell, publish, or expose to Sale or let to Hire, or have in his Possession for Sale or Hire, any such Book, then every such Book shall be forfeited, and shall be seized by any Officer of Customs or Excise, and the same shall be destroyed by such Officer; and every Person so offending, being duly convicted thereof before Two Justices of the Peace for the County or Place in which such Book shall be found, shall also for every such Offence forfeit the Sum of Ten Pounds, and Double the Value of every Copy of such Book which he

shall

Double the Value; and Books may be seized by Officers of Customs or Excise.

shall so import or cause to be imported into any Part of the *British* Dominions, or shall knowingly sell, publish, or expose to Sale or let to Hire, or shall cause to be sold, published, or exposed to Sale or let to Hire, or shall have in his Possession for Sale or Hire, contrary to the true Intent and Meaning of this Act, Five Pounds to the Use of such Officer of Customs or Excise, and the Remainder of the Penalty to the Use of the Proprietor of the Copyright in such Book.

As to the Copyright in Encyclopædias, Periodicals, and Works published in a Series, Reviews, or Magazines.

XVIII. And be it enacted, That when any Publisher or other Person shall, before or at the Time of the passing of this Act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the Proprietor of any Encyclopædia, Review, Magazine, Periodical Work, or Work published in a Series of Books or Parts, or any Book whatsoever, and shall have employed or shall employ any Persons to compose the same, or any Volumes, Parts, Essays, Articles, or Portions thereof, for Publication in or as Part of the same, and such Work, Volumes, Parts, Essays, Articles, or Portions shall have been or shall hereafter be composed under such Employment, on the Terms that the Copyright therein shall belong to such Proprietor, Projector, Publisher, or Conductor, and paid for by such Proprietor, Projector, Publisher, or Conductor, the Copyright in every such Encyclopædia, Review, Magazine, Periodical Work, and Work published in a Series of Books or Parts, and in every Volume, Part, Essay, Article, and Portion so composed and paid for, shall be the Property of such Proprietor, Projector, Publisher, or other Conductor, who shall enjoy the same Rights as if he were the actual Author thereof, and shall have such Term of Copyright therein as is given to the Authors of Books by this Act; except only that in the Case of Essays, Articles, or Portions forming Part of and first published in Reviews, Magazines, or other Periodical Works of a like Nature, after the Term of Twenty-eight Years from the first Publication thereof respectively the Right of publishing the same in a separate Form shall revert to the Author for the Remainder of the Term given by this Act: Provided always, that during the Term of Twenty-eight Years the said Proprietor, Projector, Publisher, or Conductor shall not publish any such Essay, Article, or Portion separately or singly without the Consent previously obtained of the Author thereof, or his Assigns: Provided also, that nothing herein contained shall alter or affect the Right of any Person who shall have been or who shall be so employed as aforesaid to publish any such his Composition in a separate Form, who by any Contract, express or implied, may have reserved or may hereafter reserve to himself such Right; but every Author reserving, retaining, or having such Right shall be entitled to the Copyright in such Composition when published in a separate Form, according to this Act, without Prejudice to the Right of such Proprietor, Projector, Publisher, or Conductor as aforesaid.

Proviso for Authors who have reserved the Right of publishing their Articles in a separate Form.

Proprietors of Encyclopædias, Periodicals, &c. may enter at once at Stationers Hall, and have the Benefit of Registration of the whole.

XIX. And be it enacted, That the Proprietor of the Copyright in any Encyclopædia, Review, Magazine, Periodical Work, or other Work published in a Series of Books or Parts, shall be entitled to all the Benefits of the Registration at Stationers Hall under this Act, on entering in the said Book of Registry the Title of such Encyclopædia, Review, Periodical Work, or other Work published in a Series of Books or Parts, the Time of the first Publication of the First Volume, Number, or Part thereof, or of the First Number or Volume first published after the passing of this Act in any such Work which shall have been published heretofore, and the Name and Place of Abode of the Proprietor thereof, and of the Publisher thereof, when such Publisher shall not also be the Proprietor thereof.

The Provisions of 3 & 4 W. 4. c. 15. extended to Musical Compositions, and the Term of Copyright, as provided by this Act, applied to the Liberty of representing Dramatic Pieces and Musical Compositions.

XX. 'And whereas an Act was passed in the Third Year of the Reign of His late Majesty, to amend 'the Law relating to Dramatic Literary Property, and it is expedient to extend the Term of the sole 'Liberty of representing Dramatic Pieces given by that Act to the full Time by this Act provided for 'the Continuance of Copyright: And whereas it is expedient to extend to Musical Compositions the 'Benefits of that Act, and also of this Act;' be it therefore enacted, That the Provisions of the said Act of His late Majesty, and of this Act, shall apply to Musical Compositions, and that the sole Liberty of representing or performing, or causing or permitting to be represented or performed, any Dramatic Piece or Musical Composition, shall endure and be the Property of the Author thereof, and his Assigns, for the Term in this Act provided for the Duration of Copyright in Books; and the Provisions herein-before enacted in respect of the Property of such Copyright, and of registering the same, shall apply to the Liberty of representing or performing any Dramatic Piece or Musical Composition, as if the same were herein expressly re-enacted and applied thereto, save and except that the first public Representation or Performance of any Dramatic Piece or Musical Composition shall be deemed equivalent, in the Construction of this Act, to the first Publication of any Book: Provided always, that in case of any Dramatic Piece or Musical Composition in Manuscript, it shall be sufficient for the Person having the sole Liberty of representing or performing, or causing to be represented or performed the same, to register only the Title thereof, the Name and Place of Abode of the Author or Composer thereof, the Name and Place of Abode of the Proprietor thereof, and the Time and Place of its first Representation or Performance.

Proprietors of Dramatic Representations shall have Remedies given by 3 & 4 W. 4. c. 15.

XXI. And be it enacted, That the Person who shall at any Time have the sole Liberty of representing such Dramatic Piece or Musical Composition shall have and enjoy the Remedies given and provided in the said Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, passed to amend the Laws relating to Dramatic Literary Property, during the whole of his Interest therein, as fully as if the same were re-enacted in this Act.

Assignment of Copyright of a Dramatic Piece not to convey Right of Representation.

XXII. And be it enacted, That no Assignment of the Copyright of any Book consisting of or containing a Dramatic Piece or Musical Composition shall be holden to convey to the Assignee the Right of representing or performing such Dramatic Piece or Musical Composition, unless an Entry in the said Registry Book shall be made of such Assignment, wherein shall be expressed the Intention of the Parties that such Right should pass by such Assignment.

XXIII. And

Books pirated shall become the Property of the Proprietor of the Copyright, and may be recovered by Action.

XXIII. And be it enacted, That all Copies of any Book wherein there shall be Copyright, and of which Entry shall have been made in the said Registry Book, and which shall have been unlawfully printed or imported without the Consent of the registered Proprietor of such Copyright, in Writing under his Hand first obtained, shall be deemed to be the Property of the Proprietor of such Copyright, and who shall be registered as such, and such registered Proprietor shall, after Demand thereof in Writing, be entitled to sue for and recover the same, or Damages for the Detention thereof, in an Action of Detinue, from any Party who shall detain the same, or to sue for and recover Damages for the Conversion thereof in an Action of Trover.

No Proprietor of Copyright shall sue for any Infringement before making Entry in Book of Registry.

XXIV. And be it enacted, That no Proprietor of Copyright in any Book which shall be first published after the passing of this Act shall maintain any Action or Suit, at Law or in Equity, or any summary Proceeding, in respect of any Infringement of such Copyright, unless he shall, before commencing such Action, Suit, or Proceeding, have caused an Entry to be made, in the Book of Registry of the Stationers Company, of such Book, pursuant to this Act: Provided always, that the Omission to make such Entry shall not affect the Copyright in any Book, but only the Right to sue or proceed in respect of the Infringement thereof as aforesaid: Provided also, that nothing herein contained shall prejudice the Remedies which the Proprietor of the sole Liberty of representing any Dramatic Piece shall have by virtue of the Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, to amend the Laws relating to Dramatic Literary Property, or of this Act, although no Entry shall be made in the Book of Registry aforesaid.

Proviso for Dramatic Pieces.

Copyright shall be Personal Property.

XXV. And be it enacted, That all Copyright shall be deemed Personal Property, and shall be transmissible by Bequest, or, in case of Intestacy, shall be subject to the same Law of Distribution as other Personal Property, and in *Scotland* shall be deemed to be Personal and Moveable Estate.

General Issue.

XXVI. And be it enacted, That if any Action or Suit shall be commenced or brought against any Person or Persons whomsoever for doing or causing to be done any thing in pursuance of this Act, the Defendant or Defendants in such Action may plead the General Issue, and give the special Matter in Evidence; and if upon such Action a Verdict shall be given for the Defendant, or the Plaintiff shall become nonsuited, or discontinue his Action, then the Defendant shall have and recover his full Costs, for which he shall have the same Remedy as a Defendant in any Case by Law hath; and that all Actions, Suits, Bills, Indictments, or Informations for any Offence that shall be committed against this Act shall be brought, sued, and commenced within Twelve Calendar Months next after such Offence committed, or else the same shall be void and of none effect; provided that such Limitation of Time shall not extend or be construed to extend to any Actions, Suits, or other Proceedings which under the Authority of this Act shall or may be brought, sued, or commenced for or in respect of any Copies of Books to be delivered for the Use of the *British Museum*, or of any One of the Four Libraries hereinbefore mentioned.

Limitation of Actions; not to extend to Actions, &c. in respect of the Delivery of Books.

Saving the Rights of the Universities, &c.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter the Rights of the Two Universities of *Oxford* and *Cambridge*, the Colleges or Houses of Learning within the same, the Four Universities in *Scotland*, the College of the Holy and Undivided Trinity of Queen *Elizabeth* near *Dublin*, and the several Colleges of *Eton*, *Westminster*, and *Winchester*, in any Copyrights heretofore and now vested or hereafter to be vested in such Universities and Colleges respectively, any thing to the contrary herein contained notwithstanding.

Saving all subsisting Rights, Contracts, and Engagements.

XXVIII. Provided also, and be it enacted, That nothing in this Act contained shall affect, alter, or vary any Right subsisting at the Time of passing of this Act, except as herein expressly enacted; and all Contracts, Agreements, and Obligations made and entered into before the passing of this Act, and all Remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

Extent of Act.

XXIX. And be it enacted, That this Act shall extend to the United Kingdom of *Great Britain* and *Ireland*, and to every Part of the *British* Dominions.

Act may be amended, &c.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the preceding Act refers.

No. 1.

FORM of MINUTE of CONSENT to be entered at Stationers Hall.

WE, the undersigned, *A.B.* of the Author of a certain Book, intituled *Y.Z.* [*or* the personal Representative of the Author, *as the Case may be*], and *C.D.* of do hereby certify, That we have consented and agreed to accept the Benefits of the Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, Cap. , for the Extension of the Term of Copyright therein provided by the said Act, and hereby declare that such extended Term of Copyright therein is the Property of the said *A.B.* or *C.D.*

Dated this Day of 18 .

Witness . (Signed) *A.B.*
C.D.

To the Registering Officer appointed by the Stationers Company.

No. 2.

FORM of REQUIRING ENTRY of PROPRIETORSHIP.

I *A. B.* of do hereby certify, That I am the Proprietor of the Copyright of a Book, intituled *Y. Z.*, and I hereby require you to make Entry in the Register Book of the Stationers Company of my Proprietorship of such Copyright, according to the Particulars underwritten.

Title of Book.	Name of Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
Y. Z.		*A. B.*	

Dated this Day of 18 .

Witness, *C. D.* (Signed) *A. B.*

No. 3.

ORIGINAL ENTRY of PROPRIETORSHIP of COPYRIGHT of a BOOK.

Time of making the Entry.	Title of Book.	Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor of the Copyright.	Date of First Publication.
	Y. Z.	*A. B.*	*C. D.*	

No. 4.

FORM of CONCURRENCE of the PARTY assigning in any BOOK previously registered.

I *A. B.* of being the Assigner of the Copyright of the Book hereunder described, do hereby require you to make Entry of the Assignment of the Copyright therein.

Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
Y. Z.	*A. B.*	*C. D.*

Dated this Day of 18 .

(Signed) *A. B.*

No. 5.

FORM of ENTRY of ASSIGNMENT OF COPYRIGHT in any BOOK previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of Copyright.
	[*Set out the Title of the Book, and refer to the Page of the Registry Book in which the original Entry of the Copyright thereof is made.*]	*A. B.*	*C. D.*

CAP. XLVI.

An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in *Ireland*. [1st *July* 1842.]

'WHEREAS by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, Provision was made for making out on the Fifth Day of *September* in the First Year in which the said Act should come into operation in any Borough divided into Wards, Lists of all Persons entitled to be enrolled in the Burgess Roll according to the Provisions of the said Act: And whereas it is by the said Act also provided, that, on certain Days and within certain Times specified in the said Act, certain Matters should happen and be done with a view to the Revision of Burgess Lists before Barristers to be appointed by the Lord Lieutenant, the making of a Burgess Roll, and the holding of Elections of Town Councillors, Auditors, and Assessors before such Barristers, in the first Year in which the said Act should come into operation in any such Borough: And whereas Provision is made by the said Act for the Poor Law Commissioners certifying to the Lord Lieutenant the Day of the making of a Rate for the Relief of the destitute Poor in *Ireland* in any Borough named in the Schedule A. to the said Act annexed, and Provision is also made for the Lord Lieutenant declaring that, upon the Day happening next after the Expiration of Twelve Calendar Months from the Day to be so certified, the said Act should be in force in such Borough: And whereas it is by the said Act also provided, that it should be lawful for the Lord Lieutenant of *Ireland*, if he should think fit, by the Advice of Her Majesty's Privy Council there, to order any convenient Day after the said Act should come into operation in any Borough for doing the several Matters required or authorized by the said Act to happen or to be done on the Fifth Day of *September* in the first Year in which the said Act should come into operation in that Borough, instead of the said Fifth Day of *September*; and it was thereby further provided, that in such Case all Matters mentioned in such Order should be done in the said Year on such Day as should be mentioned in that Behalf in such Order, as if the Day mentioned in such Order had in every Instance been mentioned in the said Act instead of the said Fifth Day of *September*, and not otherwise; and it was further provided, that all Things required or authorized by the said Act to happen or to be done on any other Day, or within any Time from or after any Day named in the said Act, should be done in the said first Year, or such other Days and within such other Times as should have, in point of Time, whether prior or subsequent, the same Relation to the Day so ordered by the Lord Lieutenant, instead of the Fifth Day of *September*, as the Days and Time mentioned in the said Act had to the said Fifth Day of *September*, but if any such Day should fall on a *Sunday*, then on the following Day; but that no Person should be entitled to be enrolled in the Burgess Roll of any Borough in the first Year in which the said Act should come into operation in that Borough, unless he would have been entitled on the Fifth Day next before the Day so ordered by the Lord Lieutenant to have his Name included in some Churchwarden's List, if such List had been made out on the said Fifth Day next before the Day so ordered: And whereas it is expedient in any Borough where Lists with a view to the making of a Burgess Roll have been revised, and a Burgess Roll has been made, and an Election of Town Councillors has been held before any Barrister or Barristers appointed for that Purpose by the Lord Lieutenant of *Ireland*, as herein-after mentioned, that in any such Borough the said Act, and all Proceedings had with a view to its Operation, should have and be in full Force and Validity, notwithstanding any Matters or Things required or authorized by the said Act to happen or to be done shall not have happened or shall not have been done on the Days or within the Times required or authorized by the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which in any Borough wherein the said Act is now in operation a Barrister or Barristers (appointed by the Lord Lieutenant of *Ireland* to revise the Lists of Burgesses, and to hold the Municipal Elections in or for such Borough, in the first Year of the Operation of the said Act in such Borough,) did revise Lists with a view to the making of a Burgess Roll for such Borough, and did make or cause to be made a Book or Roll purporting to be a Burgess Roll for such Borough, and did, by himself or themselves, or his or their lawful Deputy or Deputies, hold an Election of Aldermen and Town Councillors for such Borough, in every such Case the Persons who have been in fact elected Aldermen and Councillors at such Election shall be and shall be deemed and taken to have been duly elected under the Provisions of the said Act, at and from the Time when such Election did in fact take place (of which Election the Declaration under the Hand or Hands of the said Barrister or Barristers, or his or their lawful Deputy or Deputies, shall be Evidence), and that all Matters and Things required by the said Act to happen or to be done previously to the first Election of Town Councillors in any Borough shall be deemed and taken to have happened and to have been done in the Borough in which such Election was so held previously to such Election, and that, from the Time when such Election was so held in such Borough, all the Provisions of the said Act, and of another Act passed in the same Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time 'An Act to restrain the Alienation of*

3&4 Vict. c. 108.

The Acts 3 & 4 Vict. c. 108. and 3 & 4 Vict. c. 109. shall be deemed to have operation in any Borough in which, de facto, Burgess Lists shall have been revised, a Burgess Roll made, and the Municipal Election of the Town Council been held by Barristers appointed by the Lord Lieutenant.

3&4 Vict. c. 109.

'*of Corporate Property in* Ireland,' shall have Operation and shall apply, and shall be deemed and taken to have had Operation and to have applied, in and to such Borough in which such Election was so held, and in and to the County or Counties at large to which any Part or District of such Borough shall or might be added by virtue of the said last-mentioned Act; and that from the said Time when such Election was so held in such Borough all other Elections, and all Acts, Deeds, Contracts, Proceedings, Rules, Orders, Judgments, Sentences, Convictions, Awards, Presentments, Warrants, Executions, Matters, and Things heretofore *bonâ fide* made, directed, authorized, done, or performed by or under any Mayor, Town Council, Alderman, or Councillor so elected and acting *bonâ fide* under the said first-recited Act, or in or by any Court, or by any Judge, Assistant Barrister, Recorder, Grand Jury, Petit Jury, Arbitrator, Town Clerk, Treasurer, Churchwarden, or any Officer, Functionary, or Person whatsoever, shall have and shall be deemed and taken to have had the same Force and Validity which they would have or have had if such Election of Aldermen and Town Councillors had been duly held, and the several Matters and Things required or authorized by the said first-mentioned Act had duly happened and been done, according to the Provisions, Intent, and Meaning of the said first-mentioned Act, and no other Force or Validity.

Provision for discontinuing Proceedings, questioning Elections, &c. under the Act 3&4 Vict. c. 108.

II. And be it enacted, That any Proceeding commenced before the passing of this Act in the Court of Queen's Bench (whether the same be still pending there, or a Writ of Error shall have been brought upon any Judgment therein,) for the Purpose of questioning the Validity of any Title to any Corporate Office, on the ground either that a valid Election of Town Councillors was held, or that a valid Election of Town Councillors was not held, in any Borough under the said last-mentioned Act, shall be discontinued immediately upon the passing of this Act, upon Payment of the Costs incurred up to that Time to the Party in such Proceeding whose Title was so questioned, such Costs to be taxed between Party and Party; and the Amount of such Costs, and of the other Costs incurred in such Proceeding by the Party paying the same, shall be paid to such last-mentioned Party by the Treasurer of said Borough out of the Borough Fund.

Removing Doubts as to Continuance in Office of Judges of Courts of Conscience.

III. 'And whereas it was among other things enacted by the herein-before recited Act of the Third 'and Fourth Years of the Reign of Her present Majesty, that from and after the passing of the said Act 'all the Powers, Authorities, and Jurisdictions of any existing Court for the Recovery of Small Debts, 'commonly called the Court of Conscience, in every Borough, whether established by Usage, Statute, or 'otherwise, should continue in the same Manner as if the said Act had not been passed, until the Lord 'Lieutenant should think proper to determine the same: And whereas Doubts have arisen, in some Cases, 'with respect to the Continuance in Office of the Judges and other Officers of such Courts respectively, 'and it is expedient that such Doubts should be removed;' be it therefore and it is hereby declared and enacted, That every Person who at the Time of the passing of the said Act was a President or Judge or other Officer of any such Court shall be deemed to have continued in such Office and to have been such Officer, and shall continue in such Office and be and be deemed to be such Officer, and entitled to all the Fees and Emoluments thereof, until or unless such Court shall be determined or discontinued, or have been determined or discontinued, by Order of the said Lord Lieutenant, as by the said Act provided, in all Cases where the said recited Act has not otherwise provided for the Performance of the Duties of such President or Judge or other Officer of such Court of Conscience: Provided always, that upon the Determination or Discontinuance of any such Court of Conscience under or by virtue of the said Act all and every of the Powers, Authorities, and Jurisdictions of the President, or Judge or Judges, and other Officer or Officers of such Court respectively, shall wholly cease and determine, save only as to the Execution of any Decree or Decrees or Order or Orders of such Court theretofore lawfully made.

Proviso.

Justices of Counties at large to which Portions of Counties, &c. have been added, shall exercise Jurisdiction therein.

IV. 'And whereas Doubts have arisen with respect to the Extent of the Jurisdiction of the Justices 'assigned or hereafter to be assigned to keep the Peace in and for the respective Counties at large to 'which any Portion, Place, or Precinct has been or hereafter may be added by virtue of the said recited 'Acts or either of them;' be it therefore enacted, That from and after the passing of this Act the Justices assigned or hereafter to be assigned to keep the Peace in and for any County at large to which any Part or District of any County of a City or County of a Town shall have been added by virtue of the said Acts or either of them shall exercise the Jurisdiction of Justices of the Peace in and for such Part or District, as fully as by Law they and each of them can or ought to do in and for such County at large.

Interpretation of Act.

V. And be it enacted, That in the Construction of this Act the Words "Borough" and "Lord Lieutenant" shall have the like Meaning as it is provided that the same shall have in the said first-recited Act, and that, in describing any Person or Thing, any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there shall be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c. this Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP.

CAP. XLVII.

An Act to amend the Laws relating to the Customs.* [9th *July* 1842.]

'WHEREAS several Acts were passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, for consolidating the Laws of the Customs: And whereas it has been found necessary from Time to Time to make certain Alterations therein: And whereas certain further Alterations and Amendments are now required:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein, except where any other Commencement is herein-after particularly directed.

Commencement of Act.

Management.

II. 'And whereas one of the said Acts was passed for the Management of the Customs, and it is expedient to amend the same: And whereas the Provisions of the said last-mentioned Act extend to the Island of *Jersey*, so far as the same are applicable to that Island, according to the Laws thereof, although the said Island is not specially named therein: And whereas the said Island not having been specially named in the said Act, the same has not been registered in the Royal Court of the said Island;' be it therefore enacted, That the said Royal Court shall have full Power and Authority and is hereby required to register the said Act in the same Manner as if the said Island had been specially named therein.

The Act 3 & 4 W. 4. c. 51. to be registered in the Royal Court of Jersey, &c.

Regulation.

III. 'And whereas by one of the said Acts, intituled *An Act for the Regulation of the Customs*, several Sorts of Goods, enumerated or described in a Table of Prohibitions and Restrictions Inwards therein set forth, are absolutely prohibited to be imported into the United Kingdom, and it is expedient to repeal several of the same Prohibitions;' be it therefore enacted, That so much of the said Act and Table as prohibits the Importation into the United Kingdom of Beef or Pork, fresh or corned or slightly salted, great Cattle, Mutton, Lamb, Sheep, Swine, and Fish of Foreign Taking or Curing, or in Foreign Vessels, shall be and the same is hereby repealed.

Certain Prohibitions repealed.

IV. Provided always, and be it enacted, That all Fish of Foreign Taking, except Anchovies, Eels, Turbot, and Lobsters, and all Train Oil, Blubber, Spermaceti Oil, Head Matter, Skins, Bones, and Fins, the Produce of Fish or Creatures living in the Sea, and of Foreign Taking, shall be and the same is hereby prohibited to be imported into the United Kingdom in Fishing Vessels, or in any other Vessels, unless such other Vessels shall have been cleared out regularly from some Foreign Port; and if any such Fish or Produce of Fish or Creatures living in the Sea shall be so imported into the United Kingdom the same shall be forfeited.

Fish of Foreign Taking, Train Oil, &c. prohibited to be imported, unless in certain Vessels.

V. And be it enacted, That so much of the said last-mentioned Act as permits Turbots of Foreign Taking or imported in a Foreign Ship, to be landed in the United Kingdom, without Report, Entry, or Warrant, and so much of the said Act as excepts such Turbots from the Regulations as to Times and Places of landing, and Presence of Officers of Customs at landing, shall be repealed.

3 & 4 W. 4. c. 52. respecting landing of Turbots repealed.

VI. 'And whereas by the said last-mentioned Act, and by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*, certain Restrictions are laid down in respect of the Packages in which Tobacco may be imported into the United Kingdom;' be it therefore enacted, That the said Restrictions shall not extend to Negrohead Tobacco, the Produce of and imported from the United States of *America* in Packages of not less than One hundred and fifty Pounds Weight each, nor to any Tobacco the Produce of *Mexico*, *Columbia*, or the Continent of *South America*, or the Islands of *Saint Domingo* and *Cuba*, when imported from the Warehouse in any *British* Possession in *America*, in Packages of not less than Eighty Pounds Weight each.

As to Weight of Packages of Tobacco, the Produce of Mexico, &c. imported from British Possessions and United States.

VII. 'And whereas by the said Act for the Regulation of the Customs Tobacco is prohibited to be imported into the United Kingdom unless the particular Weight of Tobacco in each Hogshead, Cask, Chest, or Case, with the Tare of the same, be marked thereon: And whereas it is expedient to repeal so much of the said Act;' be it therefore enacted, That from and after the passing of this Act so much of the said last-mentioned Act as is herein-before set forth shall be repealed.

3 & 4 W. 4. c. 52. as to marking Weight of Tobacco on Casks, &c., repealed.

VIII. 'And whereas by the said last-mentioned Act certain Articles therein mentioned, which have been exported from the United Kingdom, cannot be re-imported for Home Use by Bill of Store, and it is expedient to remove such Restriction from the Article of Tobacco;' be it therefore enacted, That so much of the said Act as restricts the Re-importation of Tobacco into the United Kingdom shall be and the same is hereby repealed: Provided always, that such Tobacco so re-imported shall be subject to all the Restrictions imposed by Law upon Tobacco imported into the United Kingdom, and liable to Forfeiture if imported contrary to such Restrictions.

Tobacco may be re-imported into the United Kingdom by Bill of Store.

IX. 'And whereas by the said last-mentioned Act it is provided that every Manifest for Tobacco shall be a separate Manifest, distinct from any Manifest for any other Goods, and shall without fail contain the particular Weight of Tobacco in each Hogshead, Cask, Chest, or Case, with the Tare of the same, and that if such Tobacco be the Produce of the Dominions of the Grand Seignor, then the Numbers of Parcels or Bundles within any such Hogshead, Cask, Chest, or Case shall be stated in such Manifest,

So much of the 3 & 4 W. 4. c. 52. s. 3. as requires a separate Manifest for Tobacco, repealed.

* *See post, Chap.* 56.

Regulation.

'and it is expedient that so much of the said Act should be repealed;' be it therefore enacted, That so much of the said last-mentioned Act as is herein-before set forth shall be and the same is hereby repealed: Provided always, that the general Manifest shall include Tobacco in common with all other Goods imported in *British* Ships.

No Drawback on Tobacco not properly manufactured, and Penalty on Persons fraudulently attempting to obtain Drawback.

X. And be it enacted, That no Drawback shall be allowed on any Tobacco which shall not have been wholly manufactured from Tobacco on which the full Duty on Importation shall have been paid, nor on any Tobacco which shall be mixed with Dirt or Rubbish or any other Ingredients; and every Person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any Officer of Customs to be shipped, for Exportation or for Stores, any Tobacco not entitled to Drawback, with Intent unduly to obtain any Drawback thereon, or any greater Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Customs; and all such Tobacco shall be forfeited, and may be seized by any Officer of Customs or Excise.

Foreign Goods bearing Names, &c. of Manufacturers in United Kingdom on Importation after 5th Jan. 1843, to be forfeited.

XI. 'And whereas Goods of Foreign Manufacture have been imported into the United Kingdom, and 'into the *British* Possessions abroad, bearing the Names, Brands, or Marks of Manufacturers resident in 'the United Kingdom, to the great Prejudice of such Manufacturers: And whereas it is expedient that 'Regulations should be made for the Prevention of such Importations;' be it therefore enacted, That from and after the Fifth Day of *January* One thousand eight hundred and forty-three any Articles of Foreign Manufacture, and any Packages of such Articles, imported into the United Kingdom or into the *British* Possessions abroad, bearing any Names, Brands, or Marks purporting to be the Names, Brands, or Marks of Manufacturers resident in the United Kingdom, shall be forfeited.

Spirits may be imported in Stone Bottles not exceeding the Size of Quart Bottles.

XII. 'And whereas by the said last-mentioned Act, and by certain subsequent Acts to amend the 'Laws relating to the Customs, certain Restrictions are imposed on the Importation of Spirits, and it is 'expedient to relax such Restrictions in certain Cases of Importation of Spirits in Stone Bottles not 'exceeding the Size of Quart Bottles;' be it therefore enacted, That nothing in the said recited Acts shall extend or be deemed to extend to restrict the Importation of Spirits in Stone Bottles not exceeding the Size of Quart Bottles, such Spirits being really Part of the Cargo of the Ship or Vessel in which the same are imported, and included in the Manifest or other Papers enumerating or descriptive of the Cargo of such Ship or Vessel.

Silk Manufactures of Europe may be imported into Southampton.

XIII. 'And whereas by the said Act for the Regulation of the Customs the Importation of the Silk 'Manufactures of *Europe* is restricted to certain Ports in the United Kingdom, and it is expedient that 'such Manufactures should be imported into and warehoused at the Port of *Southampton*;' be it therefore enacted, That Manufactures of Silk, being the Manufactures of *Europe*, shall be and the same are hereby permitted to be imported into and warehoused at the said Port of *Southampton*; any thing in any Act or Acts of Parliament to the contrary thereof notwithstanding.

Sugar; no Allowance for Damage.

XIV. 'And whereas by the said Act for the Regulation of the Customs it is enacted, that in respect of 'certain Goods enumerated in a List contained in the said Act no Abatement of the Duties of Impor- 'tation should be made on account of Damage sustained during the Voyage, and it is expedient to 'disallow such Abatement in respect of Sugar;' be it therefore enacted, That such Abatement in respect of Sugar shall be unlawful, and disallowed.

Goods undervalued Officers may detain.

XV. 'And whereas by the said last-mentioned Act the Officers of Customs are authorized to detain 'and secure Goods entered at Value, if upon Examination it shall appear to them that such Goods are 'not valued according to the true Value thereof, and within certain Periods therein mentioned to take 'such Goods for the Use of the Crown, and it is expedient to make further Provision for the Security of 'the Revenue, and the Accommodation of the Merchant importing such Goods;' be it therefore enacted, That if upon the Examination of any Goods entered to pay Duty according to the Value thereof it shall appear to the Officers of Customs that such Goods are not valued according to the true Value thereof, it shall be lawful for such Officers to detain and secure such Goods, and within Seven Days from the Day on which the Goods shall be finally examined by the proper Officers by virtue of a Duty paid Entry, if it be in *England*, or within Ten Days from such last-mentioned Day if it be in any Port in *Scotland*, *Ireland*, or the *Isle of Man*, to take such Goods for the Use of the Crown; and the Commissioners of Her Majesty's Customs shall thereupon cause the Amount of such Valuation, together with an Addition of Ten Pounds *per Centum* thereon, and also the Duties paid upon such Entry, to be paid to the Importer or Proprietor of such Goods in full Satisfaction of the same, and shall deal with such Goods in such and the like Manner as Goods so circumstanced are directed to be dealt with by the said last-mentioned Act.

Provisions of the 122d Section of 3 & 4 W. 4. c. 52. not to extend to warehousing Bonds.

XVI. 'And whereas by the said last-mentioned Act it is enacted, that all Bonds relating to the Customs 'required to be given in respect of Goods or Ships shall be taken by the Collector and Comptroller for 'the Use of His Majesty, and that after the Expiration of Three Years from the Date thereof, or from 'the Time (if any) limited therein for the Performance of the Condition thereof, every such Bond upon 'which no Prosecution shall have been commenced shall be void, and may be cancelled and destroyed: 'And whereas it is expedient to amend so much of the said last-mentioned Act as regards Bonds given 'for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law;' be it therefore enacted, That so much of the said last-mentioned Act as is herein-before recited shall not extend to any Bond given for securing the due Exportation of or Payment of Duty upon Goods so warehoused.

XVII. 'And

Regulation.

Certain Goods Derelict, &c., no Abatement of the Duties thereon to be made on account of Damage. 6 & 7 W. 4. c. 60.

XVII. ‘ And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His said late ‘ Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*, it is ‘ provided, that the Commissioners of His Majesty's Customs are to make such an Abatement of the ‘ Duties payable upon certain Foreign Goods Derelict, Jetsam, Flotsam, and Wreck, as shall appear to ‘ bear a just Proportion to the Damage received by such Goods; and it is expedient for the due ‘ Protection of the Revenue, that no Abatement of the Duties should be made upon Cantharides, ‘ Cocoa, Coffee, Coculus Indicus, Currants, Figs, Guinea Grains, Ipecacuhana, Jalap, Lemons, Nux ‘ Vomica, Opium, Oranges, Pepper, Raisins, Rhubarb, Sarsaparilla, Senna, Spirits, Sugar, Tea, Tobacco, ‘ and Wine;’ be it therefore enacted, That no Abatement of the Duties payable upon such Goods found Derelict, Jetsam, Flotsam, or Wreck, shall be made or allowed; any Act or Acts to the contrary thereof notwithstanding.

Goods not entitled to Drawback if of less Value than claimed.

XVIII. And be it enacted, That no Drawback shall be allowed upon the Exportation of any Goods entered for Drawback, or as Stores, which shall be of less Value than the Amount of the Drawback claimed, and that all such Goods so entered shall be forfeited, and that the Person who caused such Goods to be entered shall forfeit the Sum of Two hundred Pounds, or Treble the Amount of the Drawback claimed in such Case, at the Election of the Commissioners of Her Majesty's Customs.

On Entry Outwards of Goods entitled to Drawback, Bond for due shipping and landing shall be given.

XIX. ‘ And whereas it is expedient, for the Protection of the Revenue, that a Bond should be required ‘ for the due Exportation to Parts beyond the Seas of any Goods entitled to Drawback;’ be it therefore enacted, That upon the Entry Outwards of any Goods from the United Kingdom to Parts beyond the Seas upon which a Drawback of the Duties paid upon the Importation thereof is allowed, and before Cocket be granted, the Person in whose Name the same are entered shall give Security by Bond in Double the Value of such Goods, with One sufficient Surety, that such Goods shall be duly shipped and exported, and shall be landed at the Place for which they shall be entered Outwards, or otherwise accounted for to the Satisfaction of the Commissioners of Her Majesty's Customs, within a reasonable Time, to be fixed by the said Commissioners, with reference to the Place of Exportation.

Bonds entered into for the due Performance of any thing relating to the Customs to be valid in Law.

XX. ‘ And whereas it frequently occurs that certain Indulgences are granted to Merchants and others ‘ by Directions of the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's ‘ Customs, on Bond being given for the Security of the Revenue; and as Doubts may arise whether such ‘ Bonds would in Law be valid,’ be it therefore enacted and declared, That in all Cases where Bonds shall be entered into, with the Concurrence or by the Direction of the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, for the due Performance of any Order, Matter, or Thing relative to the Customs, such Bonds shall be valid in Law, and upon Breach of any of the Conditions thereof may be sued and proceeded upon in like Manner as any other Bond entered into by virtue of any Act relating to the Customs.

Penalty on unlicensed Persons transacting certain Business relating to the Customs in Port of London.

XXI. And be it enacted, That it shall not be lawful for any Person to act as an Agent for transacting Business at any Place in the Port of *London* which shall relate to the Entry or Clearance of any Ship, or of any Goods, or of any Baggage, unless authorized so to do by Licence from the Commissioners of Her Majesty's Customs, as required by the said Act for the general Regulation of the Customs; and if any Person shall act as such Agent, not being so licensed, such Person shall for every such Offence forfeit the Sum of One hundred Pounds.

Wine for the Use of the Officers of the Navy may be shipped at the Port of Liverpool.

XXII. ‘ And whereas by the said last-mentioned Act a Drawback of the whole of the Duties of ‘ Customs is allowed for Wine intended for the Consumption of Officers of His Majesty's Navy on board ‘ such of His Majesty's Ships in actual Service as they shall serve in, not exceeding the Quantities of ‘ Wine therein mentioned, provided that such Wine be shipped only at certain Ports, also therein ‘ mentioned, and it is expedient to amend the said Act;’ be it therefore enacted, That Wine shipped for Drawback for the Consumption of Officers of Her Majesty's Navy under the Provisions of the said Act may be shipped from the Port of *Liverpool*, in like Manner as such Wine is now permitted to be shipped at any Port therein mentioned.

Repeal of 3 & 4 W. 4. c. 52. s. 58. as to Books printed in the United Kingdom, and reprinted abroad.

XXIII. ‘ And whereas by the said last-mentioned Act Books first composed or written or printed in ‘ the United Kingdom, and printed or re-printed in any other Country, imported for Sale, except Books ‘ not re-printed in the United Kingdom within Twenty Years, or being Parts of Collections the ‘ greater Parts of which had been composed or written abroad, are absolutely prohibited to be imported ‘ into the United Kingdom: And whereas great Abuse has prevailed with respect to the Introduction ‘ into this Country for private Use of such Works so re-printed abroad, to the great Injury of the ‘ Authors thereof and of others;’ be it therefore enacted, That from and after the First Day of *April* One thousand eight hundred and forty-three so much of the said Act as is lastly herein-before recited shall be repealed.

Books wherein the Copyright subsists prohibited to be imported.

XXIV. And be it enacted, That from and after the said First Day of *April* One thousand eight hundred and forty-three all Books wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other Country, shall be and the same are hereby absolutely prohibited to be imported into the United Kingdom.

No Book prohibited unless Notice is given that Copyright is subsisting.

XXV. Provided always, and be it enacted, That no such Book shall be prohibited to be imported unless the Proprietor of such Copyright or his Agent shall give Notice in Writing to the Commissioners of Customs that such Copyright subsists, and in such Notice shall state when such Copyright shall expire; and the said Commissioners of Customs shall cause to be made, and to be publicly exposed at the several

Regulation.

several Ports of the United Kingdom from Time to Time, printed Lists of the Works respecting which such Notice shall have been duly given, and of which such Copyright shall not have expired.

Ships not liable to Tonnage Rate under 4 & 5 W. 4. c. 32. where their Cargoes are reported for Exportation, &c. without breaking Bulk.

XXVI. 'And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act for reducing the Tonnage Rates payable in the Port of* 'London, certain Rates are imposed upon Ships or other Vessels entering Inwards and clearing Outwards 'in the Port of *London*, and it is expedient to amend the same in respect of Ships or other Vessels 'reporting their Cargoes for Exportation, and ultimately leaving the Port without breaking Bulk;' be it therefore enacted, That no Tonnage Rate shall be payable under the said Act on Ships or other Vessels entering Inwards or clearing Outwards in the said Port, in Cases where the Cargoes are reported for Exportation, and ultimately the Ships or other Vessels leave the Port without breaking Bulk, or taking in Merchandize for the Purpose of Exportation.

Goods the Produce of British Possessions abroad to be certified as such upon the Clearance.

XXVII. 'And whereas by the said Act for the general Regulation of the Customs it is enacted, that 'no Goods shall be entered as being of or from any *British* Possession in *America* (if any Benefit attach 'to such Distinction) unless the Master of the Ship importing the same shall have delivered to the 'Collector or Comptroller a Certificate under the Hand of the proper Officer of the Place where such 'Goods were taken on board of the due Clearance of such Ship from thence, containing an Account of 'such Goods;' be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and forty-three so much of the said Act as is herein lastly above recited shall extend to all Goods coming from any *British* Possessions abroad, except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, and *Bombay* respectively.

Power to the Lords of the Treasury to require Certificates of Production.

Goods imported without Certificates of Production (if required), or Certificates of Clearance, to be deemed Foreign, &c.

XXVIII. 'And whereas in certain Cases Certificates of Production are required by Law for certain 'Articles upon the Exportation thereof from the *British* Possessions abroad and other Places, and upon 'the Importation of the same into the United Kingdom;' be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, by any Order under their Hands, to declare that a Certificate of Production shall be required upon such Exportation or Importation for any Goods whatsoever, and to frame such Regulations respecting such Certificates as they may think fit; and if any Goods in respect of which such a Certificate shall have been so required, or in respect of which a Certificate of Production, or any such Certificate of Clearance as aforesaid, shall be required by any Law for the Time being in force, shall be imported into the United Kingdom without such Certificate respectively, the same shall be deemed and taken to be of Foreign Growth, Produce, or Manufacture; and all Goods so deemed and taken to be of Foreign Growth, Produce, or Manufacture, and all other Goods whatsoever of the Growth, Produce, or Manufacture of Foreign Countries, which shall henceforth be imported into the United Kingdom from any *British* Possession abroad, shall be deemed and taken, so far as respects Liability to Duties, to have been imported from a Foreign Country: Provided always, that as respects the several Articles which by the Table of Duties marked (A.) annexed to this Act are chargeable with any new Rate of Duty from any future Day therein named, this Enactment shall not apply to such Articles respectively until the Days so appointed: Provided always, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance hereof shall be duly published in the *London* and *Dublin* Gazettes Three Times at least within Three Months from the Date of such Orders respectively.

Timber to be piled, at the Expence of the Importer, so as to enable the Officer of Customs to measure it.

XXIX. And be it enacted, That the Importer or Person entering Timber or Wood to be charged with Duty by Measurement shall, at his Expence, sort, pile, frame, or otherwise place the same in such Manner as the Commissioners of Her Majesty's Customs may deem necessary to enable the Officers to measure and take a true and correct Account thereof; and that in all such Cases, when the same is measured in Bulk, the Measurement shall be taken to the full Extent of the Pile, and that no Allowance shall be made by the Officers on account of the Interstices arising out of such Process of sorting, piling, framing, or placing: Provided always, that all Battens, Boards, Deals, and Planks exceeding Twenty-one Feet in Length may be measured by the Piece, and the Account thereof taken separately.

Foreign Fish to be landed under Directions of Commissioners of Customs.

XXX. And be it enacted, That the Times, Places, and Manner of landing Foreign Fish imported into the United Kingdom, and of reporting and entering the same, and of paying the Duties due thereon, shall be subject to such Regulations and Directions as the Commissioners of Her Majesty's Customs shall from Time to Time make respecting the same; and that all Foreign Fish unladen from any Vessel contrary to any such Regulations and Directions shall be forfeited.

Smuggling.

Declaring the Powers of 3 & 4 W. 4. c. 53. to extend to Persons found on board Her Majesty's Ships and Vessels.

XXXI. 'And whereas by one other of the said Acts, intituled *An Act for the Prevention of Smuggling*, 'every Person, being a Subject of His Majesty, who shall be found or discovered to have been on board 'any Vessel or Boat liable to Forfeiture under the said Act, or any other Act relating to the Customs, for 'being found or discovered to have been within any of the Ports or Places in the said Act mentioned, in 'the United Kingdom or in the *Isle of Man*, having on board or in any Manner attached thereto, or 'having had on board or in any Manner attached thereto, such Goods or Things as subject such Vessel 'or Boat to Forfeiture, is liable to forfeit the Sum of One hundred Pounds, and may be detained as 'therein enacted: And whereas Doubts have arisen whether the Provisions of the said Act extend to 'Persons found on board any of Her Majesty's Ships or Vessels, or to Persons found on board Ships or 'Vessels in Her Majesty's Employment or Service;' be it therefore enacted and declared, That all the said herein-before recited Provisions of the said last-mentioned Act shall extend and be deemed and taken to extend to Persons found or discovered to have been on board all such Ships or Vessels.

XXXII. 'And

Smuggling.

XXXII. 'And whereas by the last-mentioned Act the Owners of certain Vessels of less Burthen than 'Two hundred Tons are required to obtain a Licence from the Commissioners of Her Majesty's Customs 'for navigating the same: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of 'His said late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the 'Tonnage and Burthen of the Merchant Shipping of the United Kingdom*, Ships or Vessels are required 'to be measured as therein directed: And whereas such new Measurement materially affects the nominal 'Tonnage of Vessels, and thereby subjects Owners of certain Vessels to the Necessity of obtaining a 'Licence for them who were not so subject before the passing of the said last-mentioned Act;' be it enacted, That so much of the said first-mentioned Act as enacts that all Vessels belonging to His Majesty's Subjects, whether propelled by Steam or otherwise, being of less Burthen than Two hundred Tons, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of His Majesty's Customs in the Manner therein-after directed, shall be repealed with respect to all Vessels the Tonnage whereof has been or shall be settled according to the Principles of the said Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.

3 & 4 W. 4. c. 53. s. 16. repealed as to granting Licences for certain Vessels of less Burthen than 200 Tons, in Cases where such Vessels have been measured under 5 & 6 W. 4. c. 56.

XXXIII. And be it enacted, That all Vessels belonging in the whole or in part to Her Majesty's Subjects, the Tonnage whereof has been or shall be settled according to the Principles of the said last-mentioned Act, whether propelled by Steam or otherwise, being of less Burthen than One hundred and seventy Tons, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of Her Majesty's Customs in the Manner directed by the said Act for the Prevention of Smuggling.

Licence required for certain Vessels measured under 5 & 6 W. 4. c. 56. when of less Burthen than 170 Tons, &c.

XXXIV. 'And whereas by the said Act for the Prevention of Smuggling it is enacted, that no Writ 'of Habeas Corpus shall issue from His Majesty's Court of King's Bench to bring up the Body of any 'Person who shall have been convicted before any Justice or Justices of the Peace under any Act for the 'Prevention of Smuggling, or relating to the Customs, unless the Party who shall have been so convicted, 'or his Attorney or Agent, shall state, in an Affidavit in Writing to be duly sworn, the Grounds of Objec- 'tion to such Conviction, and that upon the Return of such Habeas Corpus no Objection shall be taken or 'considered other than such as shall have been stated in such Affidavit: And whereas it is reasonable 'that no such Writs should issue unless Notice in Writing of the issuing thereof is given to the Solicitor for 'the Customs;' be it therefore enacted, That no such Writ or Writs shall issue without such Notice; and that no Return to any such Writ or Writs shall be considered by any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, or by any of Her Majesty's Judges of any of the said Courts, unless there shall be produced to such Court or Judge an Affidavit in Writing duly sworn, stating that Notice of the issuing of such Writ was given to the Solicitor for the Customs, or left at his Office, Four clear Days before the Return of such Writ; and that with respect to all such Writs there shall be an Interval of Four clear Days between the Day on which they issue and the Day on which they are returnable; and that any such Writ issuing without such Notice, and not being in conformity to the Directions herein contained, shall be void to all Intents and Purposes whatsoever.

Writ of Habeas Corpus not to issue without Notice to the Solicitor for the Customs.

XXXV. And be it enacted, That no Warrant of Commitment for any Offence against any Act relating to the Customs shall be held void by reason of any Defect in such Warrant, nor shall any Party be entitled to be discharged out of Custody on account of any such Defect, provided it be alleged in the said Warrant that the said Party has been convicted of such an Offence, and provided it shall appear to the Court or Judge before whom such Warrant is returned that such Conviction proceeded upon good and valid Grounds.

Warrant of Commitment not to be void by reason of Defect, &c.

XXXVI. 'And whereas every Person, being a Subject of Her Majesty, who shall be found within 'certain Distances of the Coast on board any Vessel or Boat from which any Party of the Cargo or Lading 'shall be thrown overboard, or on board which such Goods shall be staved or destroyed to prevent Seizure, 'is liable to Detention and Prosecution: And whereas in some Cases the Vessels from whence the Goods 'are thrown overboard as aforesaid, or on board which such Goods are staved or destroyed as aforesaid, 'are not liable to Seizure, although the Persons found on board, being Subjects of Her Majesty, are 'liable to Detention and Prosecution;' be it therefore enacted, That from and after the passing of this Act every Vessel not being square-rigged, and any Boat belonging in the whole or in part to Her Majesty's Subjects, or having on board One or more of Her Majesty's Subjects, which shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the *North Foreland* on the Coast of *Kent* and *Beachey Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the United Kingdom, from which any Part of the Lading of such Vessel or Boat shall have been thrown overboard, or on board which Vessel or Boat any of the Goods on board shall be staved or destroyed, to prevent Seizure, shall be forfeited.

Vessels from which Goods are thrown overboard to prevent Seizure to be forfeited.

XXXVII. And be it enacted, That it shall be lawful to and for any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on full Pay, or any Officer of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, when on Duty, to patrole upon and pass freely along and over any Part of the Coasts of the United Kingdom, or the Shores or Banks of any River, Creek, or Inlet of the same (not being a Garden or Pleasure Ground); and any such Officer or Person so patrolling shall not be liable to any Indictment, Action, or Suit for so doing; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Officers of the Army, &c. may patrol the Coasts of the United Kingdom without being liable to Action.

XXXVIII. And

Smuggling.

Repeal of 1 & 2 Vict. c. 113. as to Tolls on Coast Guard, &c.

XXXVIII. And be it enacted, That so much of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, as exempts Officers of the Coast Guard and of the Revenue Mounted Guard in the Service of the Customs, when in discharge of their public Duty, and in their Uniforms, from the Payment of any Turnpike Tolls, shall be repealed.

Registry.

5 & 6 W. 4. c. 56. declared to extend to British Possessions abroad.

XXXIX. 'And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burthen 'of the Merchant Shipping of the United Kingdom*, and Doubts have been entertained whether the said 'Act extends to the *British* Possessions abroad;' be it therefore enacted and declared, That the said Act and every Part thereof does and shall be taken to extend to Her Majesty's Possessions abroad, as fully and effectually, to all Intents and Purposes, as if the said Possessions had been particularly mentioned and set forth therein, and that all Matters and Things made and done in any of Her Majesty's Possessions abroad, in pursuance of the said Act, shall be deemed and taken to be valid and effectual to all Intents and Purposes whatsoever.

Duties.

New Duties. 3 & 4 W. 4. c. 56.

XL. 'And whereas by one other of the said Acts, intituled *An Act for granting Duties of Customs*, the 'several Duties of Customs were consolidated into One Act: And whereas since the passing of the said 'Act divers Acts altering the said Duties have from Time to Time been passed, and it will be to the 'Advantage of the Trade and Commerce of the Country that the said several Duties should be revised, 'and consolidated into One Act:' be it therefore enacted, That in lieu and instead of all other Duties of Customs, except the Duties on Corn, Grain, Meal, or Flour, Sugar and Molasses, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods, Wares, and Merchandizes imported into or exported from the United Kingdom, the several Duties of Customs, and there shall be allowed the several Drawbacks of the same, which are respectively inserted, described, and set forth in the Tables marked (A.) and (B.) to this Act annexed, or otherwise in this Act, together with the additional Duties herein-after mentioned.

Duties to be paid on and until the Day from which they are to be raised and levied.

XLI. Provided always, and be it enacted, That where by this Act, or the said Table (A.) annexed thereto, any Duty upon any Article is directed to be raised, levied, collected, and paid from any future Day, the Duty imposed upon such Article by the said Act for granting Duties of Customs, or by any Act for altering or amending the same, shall be raised, levied, collected, and paid in respect of such Article on and until that Day.

An additional Duty of 4*d.* per Gallon upon Spirits, and of Five per Cent. upon all other Articles.

XLII. And be it enacted, That there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in addition to the Duties mentioned in the said Table marked (A.) upon every Gallon of Spirits or strong Waters, of all Sorts, imported into the United Kingdom, a further Duty of Four-pence, and upon all the Articles enumerated in the said Table marked (A,), except Spirits and strong Waters, a further Duty of Five *per Centum* upon the Amount of the several Duties in and by the said Table marked (A.) respectively charged upon the said Articles and each of them.

Duties how to be recovered.

XLIII. And be it enacted, That the Duties and Drawbacks by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the Provisions of the said Act for granting Duties of Customs, and of any other Act or Acts in force relating to the Customs.

Goods in Warehouse to be liable to the new Duties.

XLIV. And be it enacted and declared, That all Goods whatsoever which shall have been warehoused without Payment of Duty upon the first Importation thereof, and which shall have been or shall be in the Warehouse at the Commencement of the Duties imposed by this or any other Act or Acts relating to the Customs, shall be deemed and taken to be liable to such Duties.

Manufactures of the Channel Islands to be deemed Foreign. [*See Amending Act, Cap. 56 § 3. infra.*]

XLV. And be it enacted, That all Manufactures of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, made of Materials of Foreign Origin or Produce, or of Materials liable to Duty upon Importation into the United Kingdom, and upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, except Manufactures of Linen and Cotton made in and imported from the *Isle of Man*, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

4 & 5 W. 4. c. 89. as to Repayment of Duty on Barilla used in bleaching Linen, repealed.

XLVI. 'And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*, it is enacted, that 'for any Barilla used in the Process of bleaching of Linen a Repayment of the Duties which have been 'paid on the Importation of such Barilla shall be made to the Person so using the same, and it is expedient 'to discontinue such Repayment;' be it therefore enacted, That no such Repayment shall be allowed upon any such Barilla the Duty whereon shall have been paid after the passing of this Act.

Re-establishing the Drawback on cleaned Rice.

XLVII. 'And whereas by the said Act for granting Duties of Customs it is enacted, that upon the 'Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have paid the Duties 'under that Act there should be allowed and paid for every Hundred Weight thereof a Drawback equal 'in Amount to the Duty paid upon every Four Bushels of the rough Rice or Paddy from which the 'same shall have been cleaned, which Drawback will only continue payable in respect of Rice and Paddy 'upon which the Duties have been paid under the said last-mentioned Act: And whereas it is expedient 'that a like proportionate Drawback should be allowed upon cleaned Rice cleaned from Foreign rough 'Rice and Paddy which shall have paid Duties under this Act;' be it therefore enacted, That upon the Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have been cleaned therein, and which shall have paid the Duties payable on the Importation thereof under this Act, there shall

Duties.

shall be allowed and paid for every Hundred Weight thereof a Drawback equal in Amount to the Duty which shall have been paid under this Act on every Four Bushels of the rough Rice or Paddy from which the same shall have been cleaned; and such Drawback shall be paid and allowed subject to the like Conditions as to the depositing and securing the cleaned Rice, and as to the same having been cleaned from the rough Rice or Paddy upon which the Duties shall have been paid, subject to which the Drawback upon cleaned Rice and Paddy is now paid and allowed under the said last-mentioned Act.

The Lords of the Treasury to have the Power of reducing local Duties and Charges upon Foreign Goods and Vessels in Cases of Treaties of Reciprocity.

XLVIII. 'And whereas certain Treaties have been entered into between Her Majesty and certain 'Foreign Potentates and States, by which Treaties it is stipulated that the Subjects of such Potentates or 'States shall be placed upon the same Footing with Her Majesty's Subjects with respect to the Importation of Goods into and the Exportation of them from Her Majesty's Dominions, and with respect to 'Charges upon Vessels entering any Port in such Dominions: And whereas by certain Acts higher 'Duties and Charges are sometimes levied upon the Importation and Exportation of Goods, and upon 'the Entry into Ports of the Vessels of such Subjects, than upon the Goods and Vessels of Her Majesty's 'Subjects;' be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, in any Case where any Treaty is in force or may hereafter be entered into by Her Majesty, Her Heirs and Successors, with any Foreign Potentate or State, to order and direct that all Duties and Charges of every Description upon any Foreign Goods imported into or exported from the United Kingdom, or upon any Goods imported or exported in Foreign Vessels, or upon such Vessels entering or leaving any Port in Her Majesty's Dominions, made payable under and by virtue of any Act of Parliament hereafter to be made, shall, with respect to the Goods and Vessels of the Subjects of any Potentate or State with whom or which such Treaty has been entered into, be reduced to the same and the like Duties and Charges as are payable upon the Goods of Her Majesty's Subjects, or upon *British* Vessels, and upon the Goods imported therein under any such Act.

Warehouse.

3 & 4 W. 4. c. 57. Conditions of Bond on Exportation of salted Beef or Pork; and no Declaration or Penalty as to insufficient Victualling Stock. [*See the Amending Act, Cap. 56. § 8. infra.*]

XLIX. 'And whereas by one other of the said Acts, intituled *An Act for the warehousing of Goods*, 'upon the Exportation of Beef or Pork from the Warehouse, the Person entering the same is required 'to give Bond, conditioned, among other things, that no Part of such Beef or Pork shall be consumed as 'Stores on board such Vessel, and that the same shall be landed at the Place for which it has been 'entered, and that a Certificate of such landing shall be produced to the Commissioners of Her Majesty's 'Customs within a reasonable Time;' be it enacted, That the Conditions herein-before recited shall no longer be required to be inserted in such Bond, and that the Declaration required by the said last-mentioned Act in respect of such Beef and Pork, from the Master of the Vessel in which the same is about to be exported, shall no longer be required, nor shall such Master be liable to any Penalty if such Ship shall not have on board at the Time of Clearance a reasonable Stock of Beef or Pork, according to the intended Voyage, borne on the Victualling Bill.

Duties on Goods lost, &c. in Warehouse may be remitted.

L. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to remit the Duties payable or paid on the Whole or any Portion of any Goods which shall be lost or destroyed by any unavoidable Accident in the Warehouse in which the same shall have been deposited, under the Provisions of the above-recited Act, or any other Act to be passed for the warehousing of Goods.

Goods may be delivered out of Warehouse to be cleaned, &c., under such Regulations as the Commissioners of Customs may direct.

LI. 'And whereas by the said last-mentioned Act the Commissioners of Her Majesty's Customs are 'authorized to permit certain Goods therein mentioned to be taken out of Warehouse to be cleaned, 'under the Regulations therein contained, and it is expedient to extend the Powers so vested in them;' be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs to permit any Goods to be taken out of Warehouse for any such Purpose as may appear to them to be expedient, under such Regulations and Restrictions as they may think fit to direct, without Payment of Duty of Customs, under Security, nevertheless, by Bond, to the Satisfaction of the said Commissioners, that such Regulations and Restrictions shall be duly complied with, and that such Goods shall be returned to the Warehouse within such Time as they shall appoint.

Persons illegally removing Goods after having been entered to be warehoused to forfeit Treble Value, or 100*l.*, and Goods forfeited.

LII. 'And whereas it is necessary, for the Security of the Revenue, to make further Provision for 'the more effectual Deposit of Goods entered to be warehoused under any Law made for the ware-'housing of Goods;' be it enacted, That if any such Goods shall be removed, and not deposited in a Warehouse or Place of Security, in pursuance of such Entry, every Person who shall remove, or assist or be otherwise concerned in the removing of any such Goods, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any such Goods so removed, and every Person to whose Hands and Possession any such Goods so removed shall knowingly come, shall forfeit either the Treble Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs, and such Goods shall be forfeited.

Allowances for natural Waste on Corn or Grain in Warehouse.

LIII. 'And whereas Wheat, Barley, Rye, and Oats are liable to decrease while in the Warehouse by 'natural Causes, and it is expedient that the Duties should not be charged upon certain Deficiency arising 'from such Causes;' be it therefore enacted, That in respect of any Wheat or Barley, or any Rye, or any Oats, lodged in Warehouses without Payment of Duty on the first Importation thereof, the following Allowances for natural Waste shall be made upon the Exportation thereof, or upon the Entry thereof for Home Consumption; (that is to say,)

In respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse One Month and less than Three Months, there shall be allowed One and a Half *per Centum*:

Warehouse.

In respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse Three Months and less than Six Months, there shall be allowed Two *per Centum:*

In respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse Six Months and less than Twelve Months, there shall be allowed Two and a Half *per Centum:*

And in respect of all Wheat, Barley, and Rye, except as herein-after provided, which has been in Warehouse Twelve Months and upwards, there shall be allowed Three *per Centum:*

In respect of Oats, except as herein-after provided, which has been in Warehouse One Month and less than Three Months, there shall be allowed Two and a Half *per Centum:*

In respect of Oats, except as herein-after provided, which have been in Warehouse Three Months and less than Six Months, there shall be allowed Three and a Half *per Centum:*

In respect of Oats, except as herein-after provided, which have been in Warehouse Six Months and less than Twelve Months, there shall be allowed Four and a Half *per Centum:*

And in respect of Oats, except as herein-after provided, which have been in Warehouse Twelve Months and upwards, there shall be allowed Five *per Centum:*

Provided nevertheless, that only Half the above Allowances hereby directed to be made on Wheat and Barley and Oats respectively shall be made upon *Spanish* Wheat and Barley and Oats respectively, and upon Wheat and Barley Kiln-dried abroad respectively, and that no such Allowance shall be made in respect of Rye being Kiln-dried: Provided also, that no such Allowance shall be made unless there shall be an actual Deficiency in the Quantity of such Wheat, Rye, Barley, and Oats originally warehoused.

Bounties.

Committee of Sugar Refiners to provide Sample Loaves of Patent Sugar.

LIV. 'And whereas by one other of the said Acts passed in the said Third and Fourth Years of the 'Reign of His late Majesty King *William* the Fourth, intituled *An Act to grant certain Bounties and 'Allowances of Customs*, a Bounty is allowed upon Sugar equal in Quality to Double Refined Sugar, and 'it is expedient that the Committee of Sugar Refiners should be required to provide standard Sample 'Loaves of Refined Sugar made upon the patent Principle, equal in Quality to Double Refined Sugar, 'for the Guidance of the Officers of Customs in their Examination of such Sugar for the high Bounty;' be it therefore enacted, That there shall be provided, by and at the Expence of the Committee of Sugar Refiners in *London*, and in like Manner, by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves or Lumps of Sugar made upon the patent Principle, and equal in Quality to Double Refined Sugar, as the Commissioners of Customs shall think necessary, which Loaves or Lumps, when approved of by the said Commissioners, shall be deemed and taken to be standard Samples, one of which Loaves or Lumps shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Sugar in respect of which Bounty is claimed, prepared after the patent Principle, and equal in Quality to Double Refined Sugar, and fresh standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf or Lump of Sugar shall be deemed to be a proper Sample Loaf or Lump of Sugar equal to Double Refined unless it be a Loaf or Lump complete, nor unless the same shall have been prepared after the patent Principle.

Sugar entered not equal to standard Sample forfeited.

LV. And be it enacted, That in case any Sugar which shall be entered in order to obtain the Bounty as Sugar equal in Quality to Double Refined Sugar, and made upon the patent Principle, shall, on Examination by the proper Officer, be found to be of a Quality not equal to such standard Sample, all Sugar so entered shall be forfeited, and shall and may be seized.

Drawbacks on Exportation of Silk Goods, and on Deals and Timber used in Mines, repealed.

LVI. 'And whereas by the said last-mentioned Act certain Drawbacks of the Duties payable on the 'Importation of Thrown Silk are allowed upon the Exportation of Silk Goods manufactured in the 'United Kingdom, and also certain other Drawbacks of such Duties are allowed in respect of all Deals 'and Timber therein described, used in the Mines of Tin, Lead, or Copper in the Counties of *Devon* or '*Cornwall*, or in *Ireland*, and it is expedient to repeal such Drawback;' be it therefore enacted, That no such Drawback shall be allowed upon any such Silk Goods the Duty whereon shall have been paid after the passing of this Act, nor upon any such Deals or Timber the Duty whereon shall have been paid on or after the Tenth Day of *October* One thousand eight hundred and forty-two.

Possessions abroad.

3 & 4 W. 4. c. 59. Extending the Provisions of the recited Act with respect to the Clearance of Goods the Produce of British Possessions abroad, after 1st Jan. 1843.

LVII. 'And whereas by one other of the said Acts, intituled *An Act to regulate the Trade of the 'British Possessions abroad*, it is enacted, that the Master of every Ship bound from certain *British* 'Possessions shall, before any Goods be laden therein, deliver to the Collector or Comptroller or other 'proper Officer an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, 'Country, and Tonnage, and if *British* the Port of Registry, the Name and Country of the Master, the 'Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship; and 'that if any Goods be laden on board any Ship before such Entry be made the Master of such Ship shall 'forfeit the Sum of Fifty Pounds; and that before such Ship departs the Master shall bring and deliver 'to the Collector or Comptroller or other proper Officer a Content in Writing under his Hand of the 'Goods laden, and the Names of the respective Shippers and Consignees of the Goods, and the Marks 'and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the 'Truth of such Content as far as any of such Particulars can be known to him; and that the Master of 'every Ship bound from such Possessions, whether in Ballast or laden, shall before Departure come before 'the Collector and Comptroller or other proper Officer, and answer upon Oath all such Questions 'concerning the Ship and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him 'by such Officer; and that thereupon the Collector and Comptroller or other proper Officer, if such Ship

'be

'be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her 'intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden 'therein, or a Certificate of her Clearance in Ballast, as the Case may be; and that if any Ship shall 'depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer 'the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds: And whereas it is 'further enacted, that no Goods shall be stated in such Certificate of Clearance of any Ship from any such 'Possessions to be the Produce thereof unless such Goods shall have been expressly stated so to be in the 'Entry Outwards of the same; and that all Goods not expressly stated in such Certificate of Clearance to 'be the Produce of such Possessions shall, at the Place of Importation in any other such Possession, or in 'the United Kingdom, be deemed to be of Foreign Production: And whereas it is also enacted, that the 'Person entering any such Goods shall deliver to the Collector or Comptroller or other proper Officer a 'Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or 'Importer, and of the Ship, and of the Master, and of the Place to or from which bound, and of the 'Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quantity 'and Quality of the Goods, and the Packages containing the same, and the Marks and Numbers on the 'Packages, and setting forth whether such Goods be the Produce of the said Possessions or not; and such 'Person shall at the same Time pay down all Duties due upon the Goods; and the Collector or Comp-'troller or other proper Officer shall thereupon grant their Warrant for the lading or unlading of such 'Goods;' be it therefore enacted, That so much of the said Act as is herein above recited shall from and after the First Day of *January* One thousand eight hundred and forty-three extend to all Goods entered for Exportation, and to all Vessels clearing Outwards, in any of the *British* Possessions abroad, except the Territories subject to the Government of the Presidencies of *Fort William* in *Bengal*, *Fort St. George*, and *Bombay*.

Possessions abroad.

Exception.

LVIII. Provided always, and be it enacted, That where there is no Collector or Comptroller or Officer of Customs at the Port or Place of Shipment of such Goods, that then the principal Civil Officer in the Service of Her Majesty at such Place, or his sufficient Representative, shall be deemed and taken to be the proper Officer for the Performance of all such Duties with respect to such Goods as by the said Act are required to be performed by the Collector or other Officer or Officers of Customs.

If no Customs Officer, by whom Clearance to be granted.

Bounties.

LIX. And be it enacted, That all Gold and Silver Plate, not being battered, which shall be imported from Foreign Parts after the Commencement of this Act, and sold, exchanged, or exposed to Sale within the United Kingdom of *Great Britain* and *Ireland*, shall be of the respective Standards now required for any Ware, Vessel, Plate, or Manufacture of Gold or Silver wrought or made in *England*; and that no Gold or Silver Plate so to be imported as aforesaid, not being battered, shall be sold, exchanged, or exposed to Sale within the said United Kingdom until the same shall have been assayed, stamped, and marked, either in *England*, *Scotland*, or *Ireland*, in the same Manner as any Ware, Vessel, Plate, or Manufacture of Gold or Silver wrought or made in *England*, *Scotland*, or *Ireland* respectively is or are now by Law required to be assayed, stamped, and marked; and that every Goldsmith, Silversmith, or other Person whatsoever, who shall sell or expose to Sale in *England*, *Scotland*, or *Ireland* any Gold or Silver Plate so to be imported as aforesaid, and not being battered, before the same shall have been so assayed, stamped, and marked as aforesaid, shall be subject and liable to the like Penalties and Forfeitures in all respects, and to be recoverable in the same Manner, as the Penalties and Forfeitures now by Law imposed upon Goldsmiths and Silversmiths selling, exchanging, or exposing to Sale in *England*, *Scotland*, or *Ireland* respectively any Ware or Manufacture of Gold or Silver Plate made or wrought in *England*, *Scotland*, or *Ireland* respectively, and not assayed, stamped, and marked as required by Law: Provided always, that no Article or Ware of Gold or Silver so to be imported as aforesaid shall be liable to be assayed, stamped, or marked as aforesaid which would not be liable to be assayed, stamped, or marked if it had been wrought or made in *England*.

Foreign Gold and Silver Plate imported, not being battered, not to be sold, unless of the proper Standard and duly assayed.

[*See the Amending Act, Cap. 56. § 6. infra.*]

LX. And be it enacted, That in order that Gold and Silver Plate so imported as aforesaid may be assayed, stamped, and marked, it shall and may be lawful for any Person to send the same to any Assay Office in the United Kingdom at which Gold and Silver Plate is now by Law required to be assayed, and when so sent it shall be assayed, tested, stamped, and marked in such and the same Manner, and be subject to such and the same Charges, other than Stamp Duty, as if the same were *British* Plate by Law assayable in such Office; and the Wardens and Officers in each such Assay Offices, and the Persons employed by them, shall have such and the same Powers of assaying, touching, testing, marking, cutting, breaking, or defacing such Gold and Silver Plate so sent to be assayed as are now by Law exerciseable by such Wardens, Officers, and other Persons in respect of Gold and Plate now by Law required to be assayed in such Assay Offices.

Power of sending to be assayed and of assaying at the Assay Offices Gold and Silver Plate imported.

LXI. 'And whereas by an Act passed in the Ninth Year of His late Majesty King *George* the Fourth, 'intituled *An Act to allow Sugar to be delivered out of the Warehouse to be refined*, Provisions are made 'for ascertaining and taking, in manner therein mentioned, the Prices of Brown or Muscovado Sugar the 'Produce of the *British* Possessions in *America*: And whereas it is expedient that the said Provisions 'should extend and be applicable to Brown or Muscovado Sugar the Produce of the *British* Possessions 'within the Limits of the *East India* Company's Charter;' be it therefore enacted, That from and after the First Day of *August* One thousand eight hundred and forty-two so much of the said last-mentioned Act as provides for ascertaining and taking the Prices of Brown or Muscovado Sugar the Produce of the *British* Possessions in *America*, and so much of the same Act as requires the Delivery of Accounts of the

So much of 9 G. 4. c. 93. as provides for taking the Prices of Sugar the Produce of British Possessions in America, &c. to apply to Sugar the Produce of

Bounties.

British Possessions within the Limits of the East India Company's Charter.

the Sales and Purchases of such Sugar, and Statements of the Quantities and Prices thereof, and other Particulars therein mentioned in relation thereto, and the Computation and Publication of the average Prices thereof, and the Registry of such Accounts and Prices, shall be held to extend, include, and apply to Brown or Muscovado Sugar the Produce of the several *British* Possessions within the Limits of the *East India* Company's Charter, and that the average Price of Sugar to be thenceforth published under the said last-mentioned Act, as hereby extended, shall be the average Price of Brown or Muscovado Sugar the Produce not only of the *British* Possessions in *America* but also of the *British* Possessions within the Limits of the *East India* Company's Charter; and the several Penalties of Fifty Pounds and of Five Pounds, imposed by the said recited Act for the Offences therein mentioned in respect of Sugar the Produce of the *British* Possessions in *America*, shall extend and be applicable to the like Offences in respect of Sugar the Produce of the *British* Possessions within the Limits of the *East India* Company's Charter.

Act may be amended, &c. this Session.

LXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

TABLE (A.)

DUTIES OF CUSTOMS payable on GOODS, WARES, and MERCHANDIZE imported into the UNITED KINGDOM from FOREIGN PARTS.

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS I.—ANIMALS (LIVING) AND ARTICLES OF FOOD.	£	s.	d.	£	s.	d.
Animals (living), *viz*t,						
Asses - - - - each	0	2	6	0	1	3
Goats - - - - each	0	1	0	0	0	6
Kids - - - - each	0	1	0	0	0	6
Oxen and Bulls - - - each	1	0	0	0	10	0
Cows - - - - each	0	15	0	0	7	6
Calves - - - - each	0	10	0	0	5	0
Horses, Mares, Geldings, Colts, Foals - each	1	0	0	0	10	0
Mules - - - - each	0	2	6	0	1	3
Sheep - - - - each	0	3	0	0	1	6
Lambs - - - - each	0	2	0	0	1	0
Swine and Hogs - - - each	0	5	0	0	2	6
Pigs (sucking) - - - - each	0	2	0	0	1	0
Poultry - - for every 100*l.* Value	5	0	0	2	10	0
Arrow Root - - - - the Cwt.	0	5	0	0	1	0
Capers, including the Pickle - - the lb.	0	0	6	0	0	3
Cassava Powder - - - the Cwt.	0	5	0	0	1	0
Caviare - - - - the Cwt.	0	5	0	0	5	0
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee:—						
Roasted or ground - - - the lb.	0	0	6	0	0	6
Raw or Kiln-dried - - the Cwt.	1	0	0	1	0	0
Comfits, dry - - - - the lb.	0	0	6	0	0	3
Cucumbers, preserved - - for every 100*l.* Value	10	0	0	5	0	0
Fish, *viz.*						
—— Anchovies - - - the lb.	0	0	2	—		
—— Eels - - - the Ship's Lading	13	0	0	—		
—— Lobsters - - - - -	Free.			—		
—— Turbots - - - - the Cwt.	0	5	0	—		

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS I.—ANIMALS (LIVING) AND ARTICLES OF FOOD—*continued.*						
Fish of Foreign Taking, imported from Foreign Places, in other than Fishing Vessels, *viz.*	£	s.	d.	£	s.	d.
—— Oysters - - - - the Bushel	0	1	6	—		
—— Salmon - - - - the Cwt.	0	10	0	—		
—— Soles - - - - the Cwt.	0	5	0	—		
—— Turtle - - - - - the Cwt.	0	5	0	—		
—— Fresh, not otherwise enumerated - the Cwt.	0	1	0	—		
—— Cured, not otherwise enumerated - the Cwt.	0	2	0	—		
Fish of British Taking, fresh or cured - - -	Free.			Free.		
Fruit, *viz.*						
—— Raw, and not otherwise enumerated, for every 100*l.* Value	5	0	0	5	0	0
—— Almonds, not Jordan nor Bitter - the Cwt.	0	10	0	0	10	0
—— ——— Jordan - - - the Cwt.	1	5	0	1	5	0
—— ——— Bitter - - - the Cwt.	0	2	0	0	2	0
—— ——— Paste of - - for every 100*l.* Value	20	0	0	20	0	0
—— Apples, raw - - - the Bushel	0	0	6	0	0	2
—— ——— dried - - - the Bushel	0	2	0	0	2	0
—— Berries, unenumerated - - the Cwt.	0	2	0	0	2	0
—— Cherries, raw - - for every 100*l.* Value	5	0	0	5	0	0
—— ——— dried - - - the lb.	0	0	6	0	0	6
—— Citron preserved with Salt - for every 100*l.* Value	10	0	0	10	0	0
—— Cranberries - - - the Gallon	0	0	1	0	0	1
—— Currants - - - the Cwt.	1	2	2	1	2	2
—— Dates - - - the Cwt.	0	10	0	0	10	0
—— Figs - - - - the Cwt.	0	15	0	0	15	0
—— Grapes - - for every 100*l.* Value	5	0	0	5	0	0
—— Medlars - - - the Bushel	0	1	0	0	0	6
—— Nuts, *viz.*						
——— Chesnuts - - - the Bushel	0	2	0	0	2	0
——— Cocoa Nuts - - - the 1,200	-	-	-	0	1	0
——— Pistachio Nuts - - the Cwt.	0	10	0	0	10	0
——— Small Nuts - - the Bushel	0	2	0	0	2	0
——— Walnuts - - - the Bushel	0	2	0	0	2	0
——— Nuts, not otherwise enumerated, except such as are commonly used for expressing Oil therefrom - - for every 100*l.* Value	20	0	0	20	0	0
—— Olives - - - - the Gallon	0	2	0	0	2	0
—— Oranges and Lemons, *viz.*—In Chests and Boxes not exceeding 5,000 Cubic Inches - the Box	0	2	6	0	2	6
Over 5,000 Cubic Inches, and not exceeding 7,300 - - - the Box	0	3	9	0	3	9
Over 7,300 Cubic Inches, and not exceeding 14,000 - - - - the Box	0	7	6	0	7	6
For every 1,000 Cubic Inches exceeding 14,000	0	0	7½	0	0	7½
Loose - - - - the 1,000	0	15	0	0	15	0
Entered at Value, at the Option of the Importer - - for every 100*l.* Value	75	0	0	75	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £	s.	d.	Of and from British Possessions. £	s.	d.
CLASS I.—ANIMALS (LIVING) AND ARTICLES OF FOOD—*continued.*						
Fruit—*continued.*						
—— Pears, raw - - - the Bushel	0	0	6	0	0	3
—— —— dried - - - the Bushel	0	2	0	0	2	0
—— Peel of Lemons - - - the Cwt.	0	1	0	0	1	0
—— —— of Oranges - - - the Cwt.	0	1	0	0	1	0
—— —— of Pomegranates - - - the Cwt.	0	1	0	0	1	0
—— Plums (commonly called French Plums) and Prunelloes - - - the Cwt.	1	0	0	1	0	0
—— —— dried or preserved - - the Cwt.	1	7	6	1	7	6
—— Pomegranates - - - the 1,000	0	5	0	0	5	0
—— Prunes - - - - the Cwt.	0	7	0	0	7	0
—— Quinces - - - - the 1,000	0	1	0	0	1	0
—— Raisins - - - the Cwt.	0	15	0	0	7	6
—— Tamarinds - - - - the lb.	0	0	3	0	0	1
Grain, not rated as Corn or Seeds, *viz.*						
—— Barley, pearled - - - the Cwt.	0	5	0	0	2	6
—— Beans, Kidney and French - - the Bushel	0	0	10	0	0	5
—— Rice, not rough, nor in the Husk - the Cwt.	0	6	0	0	0	6
—— Rice, rough, and in the Husk - the Quarter	0	7	0	0	0	1
Hay - - - - - - - the Load	0	16	0	0	8	0
Honey - - - - - - the Cwt.	0	10	0	0	5	0
Hops - - - - - - the Cwt.	4	10	0	4	10	0
Liquids, *viz.*						
—— Beer or Mum - - the Barrel	2	0	0	2	0	0
—— Spruce - - - - the Barrel	1	0	0	1	0	0
—— Ale and Beer of all Sorts - the Barrel	2	0	0	2	0	0
—— Cider - - - - the Tun	10	10	0	10	10	0
—— Essence of Spruce - for every 100*l.* Value	10	0	0	10	0	0
—— Juice of Lemons, Limes, and Oranges, the Gallon	0	0	0½	0	0	0½
—— Mead - - - - the Gallon	0	5	6	0	5	6
—— Perry - - - the Tun	10	10	0	10	10	0
—— Vinegar - - - - the Tun	18	18	0	18	18	0
Liquorice Roots - - - - the Cwt.	1	0	0	0	10	0
—— Paste - - - - the Cwt.	1	0	0	0	10	0
—— Juice - - - - the Cwt.	1	7	6	0	10	0
—— Powder - - - the Cwt.	1	15	0	0	15	0
Macaroni and Vermicelli - - - the lb.	0	0	1	0	0	1
Marmalade - - - - - the lb.	0	0	6	0	0	1
Oil Seed Cakes - - - - the Ton	0	1	0	0	1	0
Pickles of all Sorts, including the Vinegar, and not otherwise enumerated - - the Gallon	0	1	6	0	0	9
—— preserved in Salt - - the Gallon	0	0	6	0	0	3
Provisions, *viz.*						
—— Bacon - - - the Cwt.	0	14	0	0	3	6
—— Beef, salted, not being corned Beef, from and after 10th October 1842 - the Cwt.	0	8	0	0	2	0
—— —— fresh, or slightly salted - the Cwt.	0	8	0	0	2	0
—— Butter - - - the Cwt.	1	0	0	0	5	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS I.—ANIMALS (LIVING) AND ARTICLES OF FOOD—*continued.*	£	s.	d.	£	s.	d.
Provisions—*continued.*						
——— Cheese - - - - the Cwt.	0	10	6	0	2	6
——— Eggs - - - - the 120	0	0	10	0	0	2½
——— Hams of all Kinds - - the Cwt.	0	14	0	0	3	6
——— Lard - - - - the Cwt.	0	2	0	0	0	6
——— Pork, salted (not Hams), from and after 10th October 1842 - the Cwt.	0	8	0	0	2	0
——— fresh - - - the Cwt.	0	8	0	0	2	0
——— Puddings and Sausages - the lb.	0	0	3	0	0	1
——— Tongues - - - - the Cwt.	0	10	0	0	2	6
——— Salted or fresh Meat, not otherwise described, the Cwt.	0	8	0	0	2	0
Sago - - - - - the Cwt.	0	1	0	0	1	0
Succades and Confectionery, including all Fruits and Vegetables preserved in Sugar - - the lb.	0	0	6	0	0	1
Tapioca - - - - the Cwt.	0	1	0	0	1	0
Truffles - - - - - the lb.	0	1	0	0	1	0
Vanelloes - - - - - the lb.	0	5	0	0	5	0
Vegetables, *viz.*						
——— Lentiles - - - the Bushel	0	0	3	0	0	1½
——— Onions - - - the Bushel	0	0	6	0	0	3
——— Plantains - - - the Cwt.	0	0	2	0	0	2
——— Potatoes - - - the Cwt.	0	0	2	0	0	1
——— All Vegetables not enumerated or described - for every 100*l.* Value	5	0	0	2	10	0
CLASS II.—SPICES.						
Spices, *viz.*						
Cassia Lignea - - - - the lb.	0	0	3	0	0	1
——— Buds - - - - the lb.	0	0	6	0	0	3
Cinnamon - - - - the lb.	0	0	6	0	0	3
Cloves - - - - the lb.	0	0	6	0	0	6
Ginger - - - - the Cwt.	0	10	0	0	5	0
——— preserved - - - the lb.	0	0	6	0	0	1
Mace - - - - the lb.	0	2	6	0	2	6
Nutmegs, from and after 5th July 1843 - the lb.	0	3	6	0	2	6
——— wild, in the Shell - - the lb.	0	0	3	0	0	3
Pimento - - - - the Cwt.	0	5	0	0	5	0
Pepper of all Sorts - - - the lb.	0	0	6	0	0	6
CLASS III.—SEEDS.						
Seeds, *viz.*						
Acorns - - - - the Bushel	0	1	0	0	0	6
Anniseed - - - - the Cwt.	0	5	0	0	2	6
Canary - - - - the Bushel	0	4	0	0	2	0
Carraway - - - - the Cwt.	0	10	0	0	5	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.	ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Of and from British Possessions. £ s. d.
	CLASS III.—SEEDS—*continued.*		
	Seeds—*continued.*		
	Carrot - - - - - the Cwt.	0 10 0	0 5 0
	Clover - - - - - the Cwt.	0 10 0	0 5 0
	Cole - - - - - the Quarter	0 0 1	0 0 1
	Coriander - - - - the Cwt.	0 5 0	0 2 6
	Cummin - - - - - the Cwt.	0 5 0	0 2 6
	Fennugreek - - - the Cwt.	0 5 0	0 2 6
	Flax - - - - the Quarter	0 0 1	0 0 1
	Forest - - - - the Cwt.	0 10 0	0 5 0
	Garden, not particularly enumerated or described, nor otherwise charged with Duty - the lb.	0 0 1	0 0 1
	Grass of all Sorts, not particularly enumerated or otherwise charged with Duty - - the Cwt.	0 5 0	0 2 6
	Hemp - - - - the Quarter	0 0 1	0 0 1
	Leek - - - - - the Cwt.	1 0 0	0 10 0
	Lettuce - - - - the Quarter	0 1 0	0 1 0
	Linseed - - - - the Quarter	0 0 1	0 0 1
	Lucerne - - - - the Cwt.	0 5 0	0 5 0
	Lupines - - - - the Cwt.	0 5 0	0 5 0
	Maw - - - - the Quarter	0 1 0	0 0 6
	Millet - - - - - the Cwt.	0 5 0	0 2 6
	Mustard - - - - the Bushel	0 1 3	0 0 6
	Onion, from and after 5th July 1843 - the Cwt.	1 0 0	0 10 0
	Parsley - - - the Cwt.	0 10 0	0 5 0
	Poppy - - - - - the Quarter	0 1 0	0 0 6
	Quince - - - - the Cwt.	0 10 0	0 5 0
	Rape - - - - - the Quarter	0 0 1	0 0 1
	Sesamum - - - - the Quarter	0 0 1	0 0 1
	Shrub or Tree - - - - the Cwt.	0 10 0	0 5 0
	Tares - - - - the Quarter	0 5 0	0 2 6
	Trefoil - - - - the Cwt.	0 5 0	0 2 6
	Worm - - - - - the Cwt.	0 5 0	0 2 6
	All Seeds not particularly enumerated or described, nor otherwise charged with Duty, commonly used for expressing Oil therefrom - the Quarter	0 0 1	0 0 1
	All other Seeds not particularly enumerated or described, nor otherwise charged with Duty, for every 100*l.* Value	10 0 0	5 0 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Of and from British Possessions. £ s. d.
CLASS IV.—WOODS.		
Amboyna Wood - - - - the Ton	1 0 0	0 5 0
Bar Wood - - - - - the Ton	0 2 0	0 2 0
Beef Wood - - - - the Ton	0 5 0	0 2 6
Black Wood - - - the Ton	1 0 0	0 5 0
Box Wood - - - - the Ton	0 10 0	0 2 6
Brazil Wood - - - the Ton	0 2 0	0 2 0
Brazilleto Wood - - - - the Ton	0 2 0	0 2 0
Cam Wood - - - - the Ton	0 2 0	0 2 0
Cedar - - - - - the Ton	0 10 0	0 2 6
Ebony - - - - - the Ton	0 10 0	0 2 6
King Wood - - - - the Ton	0 10 0	0 2 6
Lignum Vitæ - - - - the Ton	0 5 0	0 2 6
Log Wood - - - - - the Ton	0 2 0	0 2 0
Mahogany - - - - - the Ton	1 0 0	0 5 0
Imported from the Bay of Honduras, or the Mosquito Shore - - the Ton	0 5 0	0 5 0
Nicaragua Wood - - - the Ton	0 2 0	0 2 0
Olive Wood - - - - the Ton	0 10 0	0 2 6
Red or Guinea Wood - - - the Ton	0 2 0	0 2 0
Rosewood - - - - the Ton	1 0 0	0 5 0
Imported from the Bay of Honduras, or the Mosquito Shore - - the Ton	0 5 0	0 5 0
Sapan Wood - - - - the Ton	0 2 0	0 2 0
Santa Maria Wood - - - the Ton	0 5 0	0 2 6
Satin Wood - - - - the Ton	0 10 0	0 2 6
Saunders, Red - - - - the Ton	0 2 0	0 2 0
——— Yellow - - - - the Ton	0 5 0	0 2 6
Speckled Wood - - - the Ton	0 5 0	0 2 6
Sweet Wood - - - - the Ton	0 5 0	0 2 6
Tulip Wood - - - - the Ton	0 10 0	0 2 6
Walnut Wood - - - - the Ton	0 5 0	0 1 0
Zebra Wood - - - the Ton	0 5 0	0 2 6
CLASS V.—TIMBER AND WOODS, NOT OTHERWISE CHARGED.*		
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood, sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty - the Load of 50 Cubic Feet	*From and after the 10th of October 1842, 1 10 0 From and after the 10th of October 1843, 1 5 0	0 1 0

See the Amending Act, Cap. 56. § 1. infra.

TABLE (A.)—*continued.*

Goods, Wares, and Merchandize imported.	Articles.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
		£ s. d.	£ s. d.
See the Amending Act, Cap. 56. § 1. infra.	CLASS V.—TIMBER AND WOODS, NOT OTHERWISE CHARGED—*continued.* Deals, Battens, Boards, or other Timber or Wood, sawn or split, and not otherwise charged with Duty, the Load of 50 Cubic Feet	From and after the 10th of October 1842, 1 18 0; From and after the 10th of October 1843, 1 12 0	0 2 0

Or, in lieu of the Duties herein-before imposed upon Wood by the Load, according to the Cubic Content, the Importer may have the Option, at the Time of passing the first Entry, of entering Battens, Batten Ends, Boards, Deals, Deal Ends, and Plank, by Tale, if of or from Foreign Countries, according to the following Dimensions, viz.:—

		From and after the 10th of October 1842.		From and after the 10th of October 1843.	
	Not above 7 Inches in Width.	Not above 1¼ Inch in Thickness.	Above 1¼ Inch and not above 2¾ in Thickness.	Not above 1¼ Inch in Thickness.	Above 1¼ Inch and not above 2¾ in Thickness.
Battens and Batten Ends.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Not above 6 Feet in Length, the 120	- „ -	1 16 7	3 13 2	1 10 10	3 1 7
Above 6 and not above 9 Feet in Length, the 120	- „ -	2 14 10	5 9 9	2 6 2	4 12 5
Above 9 and not above 12 Feet in Length, the 120	- „ -	3 13 2	7 6 4	3 1 7	6 3 2
Above 12 and not above 15 Feet in Length, the 120	- „ -	4 11 5	9 2 10	3 17 0	7 14 0
Above 15 and not above 18 Feet in Length, the 120	- „ -	5 9 9	10 19 6	4 12 5	9 4 10
Above 18 and not above 21 Feet in Length, the 120	- „ -	6 8 0	12 16 0	5 7 9	10 15 7
Boards, Deals, Deal Ends, and Plank.	Not above 9½ Inches in Width.	Not above 1½ Inch in Thickness	Above 1½ Inch and not above 3¼ in Thickness.	Not above 1½ Inch in Thickness.	Above 1½ Inch and not above 3¼ in Thickness.
Not above 6 Feet in Length, the 120	- „ -	2 18 8	5 17 4	2 9 5	4 18 10
Above 6 and not above 9 Feet in Length, the 120	- „ -	4 8 0	8 16 0	3 14 1	7 8 3
Above 9 and not above 12 Feet in Length, the 120	- „ -	5 17 4	11 14 8	4 18 10	9 17 8
Above 12 and not above 15 Feet in Length, the 120	- „ -	7 6 8	14 13 4	6 3 6	12 7 1
Above 15 and not above 18 Feet in Length, the 120	- „ -	8 16 0	17 12 0	7 8 3	14 16 6
Above 18 and not above 21 Feet in Length, the 120	- „ -	10 5 4	20 10 8	8 12 11	17 5 11
Not above 6 Feet in Length, the 120	Above 9½ Inches and not above 11½ in Width.	3 11 0	7 2 0	2 19 10	5 19 7
Above 6 and not above 9 Feet in Length, the 120	- „ -	5 6 6	10 13 0	4 9 8	8 19 5
Above 9 and not above 12 Feet in Length, the 120	- „ -	7 2 0	14 4 0	5 19 7	11 19 2
Above 12 and not above 15 Feet in Length, the 120	- „ -	8 17 6	17 15 0	7 9 6	14 19 0
Above 15 and not above 18 Feet in Length, the 120	- „ -	10 13 0	21 6 0	8 19 5	17 18 9
Above 18 and not above 21 Feet in Length, the 120	- „ -	12 8 6	24 17 0	10 9 4	20 18 7

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.
CLASS V.—TIMBER AND WOODS, NOT OTHERWISE CHARGED — *continued.*	£ s. d.	£ s. d.
——— Staves - - the Load of 50 Cubic Feet	1 8 0	0 2 0
——— Birch, hewn, not exceeding 3 Feet in Length, nor exceeding 8 Inches square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries - the Load of 50 Feet	0 1 0	0 1 0
——— Firewood - the Fathom of 216 Cubic Feet	0 10 0	Free.
——— Handspikes, not exceeding 7 Feet in Length, the 120	1 0 0	0 0 6
——— ——— exceeding 7 Feet in Length, the 120	2 0 0	0 1 0
——— Hoops, not exceeding 7½ Feet in Length, the 1,000	0 2 0	0 0 4
——— ——— not exceeding 9 Feet in Length, the 1,000	0 3 0	0 0 6
——— ——— exceeding 9 Feet in Length - the 1,000	0 5 0	0 1 0
——— Knees, under 5 Inches square - the 120	0 10 0	0 0 3
——— ——— 5 Inches, and under 8 Inches square, the 120	2 0 0	0 1 0
——— Lathwood - the Fathom of 216 Cubic Feet	2 0 0	0 1 0
——— Oars - - - - the 120	7 10 0	0 3 9
Spars or Poles, under 22 Feet in Length, and under 4 Inches in Diameter - the 120	1 0 0	0 0 6
——— ——— 22 Feet in Length and upwards, and under 4 Inches in Diameter - the 120	2 0 0	0 1 0
——— ——— of all Lengths, 4 Inches, and under 6 Inches in Diameter - the 120	4 0 0	0 2 0
Spokes for Wheels, not exceeding 2 Feet in Length, the 1,000	2 0 0	0 1 0
——— ——— exceeding 2 Feet in Length - the 1,000	4 0 0	0 2 0
Teake - - the Load of 50 Cubic Feet	0 10 0	0 1 0
Wastewood, *viz.* Billetwood or Brushwood, used for the Purposes of Stowage - - for every 100*l.* Value	5 0 0	0 5 0
Wood planed, or otherwise dressed or prepared for Use, and not particularly enumerated, nor otherwise charged with Duty - - - - -	9*d.* per Foot of Cubic Contents, and further for every 100*l.* Value, 10 0 0 From and after the 10th October 1842, 7½*d.* per Foot of Cubic Contents, and further for every 100*l.* Value, 10 0 0	For every 100*l.* Value, 5 0 0

See the Amending Act, Cap. 56. § 1. infra.

TABLE (A.) — *continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS VI.—ORES, MINERALS, METALS, AND MANUFACTURES THEREOF.	£	s.	d.	£	s.	d.
Antimony, Ore of - - - - the Ton	0	1	0	0	1	0
——— Crude - - - - - the Cwt.	0	2	0	0	0	6
——— Regulus - - - - the Cwt.	0	4	0	0	1	0
Arsenic - - - - - the Cwt.	0	1	0	0	0	6
Brass, Manufactures of - - for every 100*l.* Value	15	0	0	15	0	0
—— Powder of - - - - the lb.	0	0	6	0	0	6
Brimstone - - - - - - the Cwt.	0	0	6	0	0	3
——— refined, in Rolls - - the Cwt.	0	2	0	0	1	0
——— in Flour - - - - the Cwt.	0	2	0	0	1	0
Bronze Manufactures:—						
——— all Works of Art of - - - the Cwt.	1	0	0	1	0	0
——— other Manufactures of - for every 100*l.* Value	15	0	0	15	0	0
——— Powder of - - for every 100*l.* Value	15	0	0	15	0	0
——— other Manufactures of - for every 100*l.* Value	15	0	0	15	0	0
Bullion and Foreign Coin of Gold or Silver, and Ore of Gold or Silver, or of which the major Part in Value is Gold and Silver - - - - - -	Free.			Free.		
Buttons - - - - for every 100*l.* Value	15	0	0	15	0	0
Coals, Culm, and Cinders - - - the Ton	0	1	0	0	0	6
Cobalt Ore - - - - for every 100*l.* Value	1	0	0	1	0	0
Copper, Ore of, *viz.*						
——— containing not more than 15 Parts of Copper, per Ton of Metal	3	0	0	1	0	0
——— containing not more than 20 Parts of Copper, per Ton of Metal	4	10	0	1	0	0
——— containing more than 20 Parts of Copper, per Ton of Metal	6	0	0	1	0	0
——— old, fit only to be re-manufactured - the Cwt.	0	7	6	0	3	6
——— unwrought, *viz.*, in Bricks or Pigs, Rose Copper and all cast Copper - the Cwt.	0	8	9	0	4	0
——— in part wrought, *viz.*, Bars, Rods, or Ingots, hammered or raised - - the Cwt.	0	10	0	0	5	0
——— in Plates, and Copper Coin - - the Cwt.	0	10	0	0	5	0
——— Manufactures of Copper not otherwise enumerated or described, and Copper Plates engraved, for every 100*l.* Value	15	0	0	15	0	0
Copper or Brass Wire - for every 100*l.* Value	12	10	0	12	10	0
Copperas, Blue - - - the Ton	1	0	0	0	10	0
——— Green - - - - the Ton	1	0	0	0	10	0
——— White - - - the Ton	1	0	0	0	10	0
Crystal, rough - - for every 100*l.* Value	5	0	0	2	10	0
——— cut, or manufactured, except Beads, for every 100*l.* Value	15	0	0	15	0	0
——— Beads - - - - the 1,000	0	5	0	0	5	0
Gold, Leaves of - - - - the 100	0	3	0	0	3	0

See the Amending Act, Cap. 56. § 2. infra.

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
CLASS VI.—ORES, MINERALS, METALS, AND MANUFACTURES THEREOF—*continued.*	£ s. d.	£ s. d.
Iron, Ore of - - - - the Ton	0 2 0	0 0 6
—— Pig - - - - - the Ton	0 5 0	0 1 0
—— Bars, unwrought - - - the Ton	1 0 0	0 2 6
—— old broken and old cast - - the Ton	0 5 0	0 1 0
—— and Steel, wrought, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Bloom - - - - the Ton	0 7 6	0 2 6
—— Chromate of - - - the Ton	0 5 0	0 2 6
—— Slit or hammered into Rods - - the Ton	1 10 0	0 15 0
—— Cast - - - - - the Ton	1 10 0	0 15 0
—— Hoops - - - - the Ton	1 10 0	0 15 0
Lapis Calaminaris - - - - the Ton	0 1 0	0 1 0
Latten - - - - - the Cwt.	0 1 0	0 0 6
—— Shaven - - - - the Cwt.	0 1 0	0 0 6
—— Wire - - - for every 100*l.* Value	12 10 0	12 10 0
Lead, Ore of - - - - the Ton	0 10 0	0 2 0
—— Black - - - - the Ton	1 0 0	0 5 0
—— Pig and Sheet - - - the Ton	1 0 0	0 5 0
—— Red - - - - the Ton	1 10 0	0 15 0
—— White - - - - the Ton	2 5 0	1 2 6
—— Chromate of - - - the Ton	5 0 0	2 10 0
—— Lead, Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
Litharge - - - - the Ton	1 0 0	0 10 0
Manganese Ore - - - - the Ton	0 1 0	0 1 0
Medals of Gold and Silver - - - -	Free.	Free.
—— of any other Sort - for every 100*l.* Value	5 0 0	5 0 0
Mercury, prepared - - for every 100*l.* Value	10 0 0	10 0 0
Metal, *viz.*		
—— Bell Metal - - - - the Ton	2 0 0	2 0 0
—— Leaf (except Gold) - per Packet of 250 Leaves	0 0 1	0 0 1
Minerals and Fossils not enumerated - for every 100*l.* Value	5 0 0	1 0 0
—— Specimens of Minerals, Fossils, or Ores not enumerated, and not exceeding 14 lbs. in Weight each Specimen - - -	Free.	Free.
—— Ditto, exceeding 14 lbs. in Weight, for every 100*l.* Value	5 0 0	1 0 0
—— illustrative of Natural History - -	Free.	Free.
Nickel, Ore of - - - for every 100*l.* Value	1 0 0	1 0 0
—— Metallic, and Oxide of, refined, for every 100*l.* Value	10 0 0	10 0 0
Ore, not particularly charged with Duty, for every 100*l.* Value	2 0 0	0 10 0
Orsedew - - - - - the Cwt.	0 10 0	0 10 0
Pewter, Manufactures of - for every 100*l.* Value	15 0 0	15 0 0
Plate of Gold - - - for every 100*l.* Value	10 0 0 together with the Stamp Duty.	10 0 0 together with the Stamp Duty.
—— Silver, gilt and ungilt - for every 100*l.* Value		

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £ s. d.	Of and from British Possessions. £ s. d.
CLASS VI.—ORES, MINERALS, METALS, AND MANUFACTURES THEREOF—*continued.*		
Plate, battered	Free.	Free.
—— Wire, gilt or plated - for every 100*l.* Value	12 10 0	12 10 0
—— —— Silver - - for every 100*l.* Value	12 10 0	12 10 0
Platina, and Ore of - - for every 100*l.* Value	0 10 0	0 10 0
Quicksilver - - - - the lb.	0 0 1	0 0 1
Spelter or Zinc, *viz.*		
——— crude, in Cakes, and not rolled or otherwise manufactured - - - the Ton	0 1 0	0 1 0
——— rolled, but not otherwise manufactured - the Ton	2 10 0	2 10 0
——— Manufactures of - for every 100*l.* Value	10 0 0	10 0 0
Steel, Manufactures of - for every 100*l.* Value	15 0 0	15 0 0
——— unwrought, - - for every 100*l.* Value	15 0 0	—
——— ——— of and from British Possessions, the Ton	- - -	0 1 0
Talc - - - - - the Cwt.	0 10 0	0 2 6
Tin, Ore and Regulus of - - - the Ton	2 10 0	0 10 0
—— in Blocks, Ingots, Bars, or Slabs - the Cwt.	0 6 0	0 3 0
—— Manufactures of, not otherwise enumerated, for every 100*l.* Value	15 0 0	15 0 0
—— Foil - - - - - the lb.	0 0 6	0 0 6
CLASS VII.—OILS, EXTRACTS, PERFUMERY, &c.		
Aquafortis - - - - - the Cwt.	0 5 0	0 5 0
Citric Acid - - - - the lb.	0 0 2	0 0 2
Essences not otherwise described, *viz.*		
Extract of Cardamoms - for every 100*l.* Value	20 0 0	20 0 0
——— Coculus Indicus - for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Grains of Paradise, for every 100*l.* Value	20 0 0	20 0 0
——— Licorice - - for every 100*l.* Value	20 0 0	20 0 0
——— Nux Vomica - for every 100*l.* Value	20 0 0	20 0 0
——— Opium - - for every 100*l.* Value	20 0 0	20 0 0
——— Guinea Pepper - for every 100*l.* Value	20 0 0	20 0 0
——— Peruvian or Jesuits Bark for every 100*l.* Value	20 0 0	20 0 0
——— Quassia - - for every 100*l.* Value	20 0 0	20 0 0
——— Radix Rhataniæ - for every 100*l.* Value	20 0 0	20 0 0
——— Vitriol - - for every 100*l.* Value	20 0 0	20 0 0
Extract or Preparation of any Article, not being particularly enumerated or described, nor otherwise charged with Duty - - for every 100*l.* Value	20 0 0	20 0 0
Or, and in lieu of the above Duty, at the Option of the Importer - - - - the lb.	0 5 0	0 5 0
Nuts or Kernels thereof, not particularly enumerated or charged with Duty, and commonly used for expressing Oil therefrom - - - - the Ton	0 1 0	0 0 6

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £	s.	d.	Of and from British Possessions. £	s.	d.
CLASS VII.—OILS, EXTRACTS, PERFUMERY, &c.—*continued.*						
Oil of Almonds - - - - the lb.	0	0	2	0	0	2
— Bays - - - - the lb.	0	0	2	0	0	2
— Animal, raw, not otherwise enumerated - the Cwt.	0	1	3	0	1	3
— Castor - - - - the Cwt.	0	1	3	0	1	3
Chemical, Essential, or Perfumed, *viz.*						
— Carraway - - - - the lb.	0	2	0	0	2	0
— Cloves - - - - - the lb.	0	4	0	0	4	0
— Lavender - - - - the lb.	0	2	0	0	2	0
— Mint - - - - - the lb.	0	2	0	0	2	0
— Peppermint - - - - the lb.	0	2	0	0	2	0
— Spike - - - - the lb.	0	2	0	0	2	0
— Cassia - - - - the lb.	0	1	0	0	1	0
— Bergamot - - - - the lb.	0	1	0	0	1	0
— Lemon - - - - the lb.	0	1	0	0	1	0
— Otto of Roses - - - the lb.	0	1	0	0	1	0
— Thyme - - - - the lb.	0	1	0	0	1	0
— All other Sorts - - - the lb.	0	1	0	0	1	0
— Cocoa Nut - - - - the Cwt.	0	1	3	0	0	7½
— Linseed - - - - the Tun	6	0	0	1	0	0
— Hempseed and Rapeseed - - the Tun	6	0	0	1	0	0
— Olive - - - - - the Tun	2	0	0	1	0	0
— —— imported in a Ship belonging to any of the Subjects of the King of the Two Sicilies - the Tun	4	0	0	—		
— Palm - - - - - the Cwt.	0	0	6	0	0	6
— Paran - - - - the Tun	2	0	0	1	0	0
— Rock - - - - the Cwt.	0	6	0	0	3	0
— Seed, not otherwise enumerated or described - the Tun	6	0	0	1	0	0
Oil, Train, Blubber, and Spermaceti, the Produce of Fish or Creatures living in the Sea, taken and caught by the Crews of British Vessels, and imported direct from the Fishery, or from any British Possession, in a British Vessel - - - the Tun	-	-	-	0	1	0
— Train, and Blubber, the Produce of Fish or Creatures living in the Sea, of Foreign Fishing, from and after 5th July 1843 - - - the Tun	6	0	0	—		
— Spermaceti, of Foreign Fishing, from and after 5th July 1843 - - - - the Tun	15	0	0	—		
— Walnut - - - - the Cwt.	0	6	0	0	3	0
— or Spirit of Turpentine - - - the Cwt.	0	5	0	0	2	6
— not particularly enumerated or described, nor otherwise charged with Duty - for every 100*l.* Value	20	0	0	10	0	0
Orange Flower Water - - - the lb.	0	0	1	0	0	1
Perfumery not otherwise charged - for every 100*l.* Value	20	0	0	20	0	0
Pomatum - - - for every 100*l.* Value	20	0	0	20	0	0
Water, Cologne, the Flask (30 containing not more than One Gallon) - - - - - -	0	1	0	0	1	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS VIII.—DYE STUFFS, DRUGS, RESINS, &c.	£	s.	d.	£	s.	d.
Alkali, not being Barilla - - the Cwt.	0	1	6	0	1	6
Alkanet Root - - - - the Cwt.	0	1	0	0	1	0
Aloes - - - - the lb.	0	0	2	0	0	1
Alum - - - - - the Cwt.	0	2	0	0	2	0
—— Rock - - - - the Cwt.	0	2	0	0	2	0
Amber, rough - - - - the Cwt.	0	5	0	0	5	0
——— Manufactures of, not enumerated, for every 100*l.* Value	15	0	0	15	0	0
Ambergris - - - - - the oz.	0	0	3	0	0	3
Angelica - - - - the Cwt.	0	4	0	0	4	0
Annatto, Roll and Flag - - - the Cwt.	0	1	0	0	1	0
Aristolochia - - - - the Cwt.	0	1	0	0	1	0
Argol - - - - - the Cwt.	0	0	6	0	0	6
Ashes, *viz.*						
——— Pearl and Pot - - - the Cwt.	0	0	6	Free.		
——— Soap Weed and Wood - - the Cwt.	0	0	6	Free.		
——— not enumerated - - for every 100*l.* Value	5	0	0	Free.		
Asphaltum - - - the Ton	0	1	0	0	1	0
Balsam, Canada - - - - the lb.	0	0	1	0	0	1
——— Capivi - - - - the Cwt.	0	4	0	0	4	0
——— Peru - - - - the lb.	0	0	3	0	0	3
——— Riga - - - - the lb.	0	0	1	0	0	1
——— —— and further, as Foreign Spirits, for every Gallon	1	2	6	1	2	6
——— Tolu - - - - the lb.	0	0	2	0	0	2
——— Balm of Gilead, and all Balsams not otherwise enumerated or described - - - the lb.	0	0	6	0	0	6
Barilla - - - - the Ton	0	5	0	0	5	0
Bark, Peruvian - - - - the Cwt.	0	1	0	0	1	0
—— Cascarilla - - - the Cwt.	0	1	0	0	1	0
—— of other Sorts - - - the Cwt.	0	1	0	0	1	0
—— for Tanners or Dyers Use - - the Cwt.	0	0	3	0	0	1
—— Extract of, or other Vegetable Substances to be used only for tanning Leather - - the Cwt.	0	1	0	0	0	1
Berries, Bay - - - - the Cwt.	0	1	0	0	1	0
——— Juniper - - - the Cwt.	0	1	0	0	1	0
——— Yellow - - - - the Cwt.	0	1	0	0	1	0
——— not enumerated, commonly made use of in Chemical Processes - - - the Ton	0	1	0	0	1	0
Bitumen Judaicum - - - the Ton	0	1	0	0	1	0
Boracic Acid - - - - the Cwt.	0	0	6	0	0	6
Borax, refined - - - - - the Cwt.	0	5	0	0	5	0
Camomile Flowers - - - - the lb.	0	0	1	0	0	1
Camphor - - - - the Cwt.	0	1	0	0	1	0
——— refined - - - - the Cwt.	0	10	0	0	10	0
Canella Alba - - - - the lb.	0	0	1	0	0	1
Cantharides - - - - the lb.	0	0	3	0	0	3

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS VIII.—DYE STUFFS, DRUGS, RESINS, &c.—*continued.*	£	s.	d.	£	s.	d.
Cardamoms - - - - the lb.	0	0	2	0	0	2
Caoutchouc - - - - - the Cwt.	0	1	0	0	1	0
Carmine - - - - - the oz.	0	0	6	0	0	6
Cassia Fistula - - - - - the Cwt.	0	5	0	0	5	0
—— Buds - - - - - the lb.	0	0	6	0	0	3
Castor - - - - - the Cwt.	0	2	0	0	2	0
China Root - - - - the lb.	0	0	3	0	0	3
Cinnabaris Nativa - - - - the Cwt.	0	1	0	0	1	0
Citrate of Lime - - - - the Cwt.	0	5	0	0	5	0
Civet - - - - - the oz.	0	2	0	0	2	0
Cobalt - - - - - the Ton	0	5	0	0	5	0
Coculus Indicus - - - - the Cwt.	0	7	6	0	7	6
Cochineal and Granilla - - - the Cwt.	0	1	0	0	1	0
——— Dust - - - - the Cwt.	0	1	0	0	1	0
Colocynth - - - - - the lb.	0	0	1	0	0	1
Columbo Root - - - - the Cwt.	0	1	0	0	1	0
Cream of Tartar - - - the Cwt.	0	1	0	0	1	0
Cubebs - - - - the lb.	0	0	1	0	0	1
Cutch - - - - - the Ton	0	5	0	0	5	0
Divi Divi - - - - the Ton	0	5	0	0	5	0
Drugs not enumerated - - - - the Cwt.	0	1	0	0	1	0
Fustic - - - - - the Ton	0	2	0	0	1	0
Gelatine - - - - - the Cwt.	0	10	0	0	10	0
Galls - - - - - the Cwt.	0	1	0	0	1	0
Gamboge - - - - the Cwt.	0	1	0	0	1	0
Gentian - - - - the Ton	0	5	0	0	5	0
Ginseng - - - - - - the Ton.	0	5	0	0	5	0
Glue - - - - - - the Cwt.	0	3	0	0	3	0
—— Clippings, or Waste of any Kind, fit only for Glue - - - for every 100*l.* Value	1	0	0	1	0	0
Grains, Guinea, and of Paradise - - the Cwt.	0	15	0	0	15	0
Gum, *viz.*						
—— Senegal - - - - the Cwt.	0	1	0	0	1	0
—— Arabic - - - - the Cwt.	0	1	0	0	1	0
—— Copal - - - - the Cwt.	0	1	0	0	1	0
—— Animi - - - - the Cwt.	0	1	0	0	1	0
—— Assafœtida - - - the Cwt.	0	1	0	0	1	0
—— Ammoniacum - - - the Cwt.	0	1	0	0	1	0
—— Guaiacum - - - the Cwt.	0	1	0	0	1	0
—— Kino - - - - the Cwt.	0	1	0	0	1	0
—— Mastic - - - - the Cwt.	0	1	0	0	1	0
—— Tragacanth - - - the Cwt.	0	1	0	0	1	0
—— Euphorbium - - - the Cwt.	0	1	0	0	1	0
—— Shellac - - - - the Cwt.	0	1	0	0	1	0
—— Lac Dye - - - - the Cwt.	0	1	0	0	1	0
—— Seed - - - - the Cwt.	0	1	0	0	1	0
Gum, not enumerated - - - the Cwt.	0	1	0	0	1	0
Hellebore - - - - the Cwt.	0	3	0	0	3	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS VIII.—DYE STUFFS, DRUGS, RESINS, &c.—*continued.*	£	s.	d.	£	s.	d.
Isinglass - - - - the Cwt.	2	7	6	0	5	0
Indigo - - - - - the Cwt.	0	2	0	0	1	0
Jalap - - - - - - the lb.	0	0	1	0	0	1
Lac, *viz.* Sticklac - - - the Cwt.	0	0	1	0	0	1
Lavender Flowers - - - - the lb.	0	0	1	0	0	1
Leaves of Roses - - - - the lb.	0	0	2	0	0	2
Leeches - - - for every 100*l.* Value	5	0	0	5	0	0
Manna - - - - - the lb.	0	0	1	0	0	1
Moss, *viz.*						
—— Lichen Islandicus - - - the Ton	0	5	0	0	5	0
—— Rock, for Dyers Use - - the Ton	0	5	0	0	5	0
—— not enumerated - - for every 100*l.* Value	1	0	0	1	0	0
Madder - - - - - the Cwt.	0	0	6	0	0	6
——— Root - - - - the Cwt.	0	0	3	0	0	3
Morphia and its Salts - - - - the lb.	0	5	0	0	5	0
Musk - - - - - the oz.	0	0	6	0	0	6
Myrrh - - - - the Cwt.	0	1	0	0	1	0
Nitre, *viz.* Cubic Nitre - - - the Cwt.	0	0	6	0	0	6
Nux Vomica - - - the Cwt.	0	5	0	0	5	0
Ochre - - - - - the Cwt.	0	0	6	0	0	6
Opium - - - - the lb.	0	1	0	0	1	0
Olibanum - - - - the Cwt.	0	1	0	0	1	0
Orchal - - - - the Cwt.	0	1	0	0	1	0
Orpiment - - - - - the Cwt.	0	1	0	0	1	0
Orris Root - - - - the Cwt.	0	5	0	0	5	0
Painters Colours not particularly charged, *viz.*:						
———————— unmanufactured - for every 100*l.* Value	1	0	0	1	0	0
———————— manufactured - for every 100*l.* Value	10	0	0	10	0	0
Pink Root - - - - - the lb.	0	0	1	0	0	1
Pitch, Burgundy - - - - the Cwt.	0	2	0	0	2	0
Quassia - - - - - the Cwt.	0	10	0	0	10	0
Quinine, Sulphate of - - - the oz.	0	0	6	0	0	6
Radix, *viz.*						
—— Contrayervæ - - - - the lb.	0	0	1	0	0	1
—— Enulæ Campanæ - - - the Cwt.	0	2	0	0	2	0
—— Eringii - - - - - the Cwt.	0	2	0	0	2	0
—— Ipecacuanhæ - - - the lb.	0	1	0	0	1	0
—— Rhataniæ - - - the lb.	0	0	1	0	0	1
—— Senekæ - - - - - the lb.	0	0	1	0	0	1
—— Serpentariæ or Snake Root - - the lb.	0	0	2	0	0	2
Rhubarb - - - - - the lb.	0	0	3	0	0	3
Saccharum Saturni - - - the Cwt.	0	10	0	0	10	0
Safflower - - - - - the Cwt.	0	1	0	0	1	0
Saffron - - - - - the lb.	0	1	0	0	1	0
Sal, *viz.*						
—— Ammoniac - - - - the Cwt.	0	1	0	0	1	0
—— Limonum - - - - the Cwt.	0	1	0	0	1	0
—— Prunella - - - - the Cwt.	0	1	0	0	1	0

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS VIII.—DYE STUFFS, DRUGS, RESINS, &c.—*continued.*	£	s.	d.	£	s.	d.
Salep or Salop - - - - the Cwt.	0	1	0	0	1	0
Saltpetre - - - - - the Cwt.	0	0	6	0	0	6
Sanguis Draconis - - - - the Cwt.	0	4	0	0	4	0
Sarsaparilla - - - - the lb.	0	0	1	0	0	1
Sassafras - - - - - the Cwt.	0	0	6	0	0	6
Scammony - - - - - the lb.	0	0	6	0	0	6
Senna - - - - - the lb.	0	0	1	0	0	1
Shumack - - - - - the Ton	0	1	0	0	1	0
Smalts - - - - - the lb.	0	0	2	0	0	2
Squills, dried - - - - the Cwt.	0	1	0	0	1	0
not dried - - - - the Cwt.	0	0	6	0	0	6
Tartaric Acid - - - - the lb.	0	0	1	0	0	1
Terra, *viz.*						
Japonica - - - the Ton	0	5	0	0	5	0
Sienna - - - - the Ton	0	10	0	0	10	0
Umbra - - - - the Cwt.	0	4	0	0	4	0
Verde - - - - - the Ton	0	5	0	0	5	0
Tincal - - - - - the Ton	0	1	0	0	0	6
Tornsal - - - - - the Cwt.	0	1	0	0	1	0
Turmeric - - - - the Ton	0	5	0	0	0	1
Turpentine of Venice, Scio, or Cyprus - - the lb.	0	0	10	0	0	10
Valonia - - - - - the Ton	0	5	0	0	5	0
Varnish not otherwise described - for every 100*l.* Value	15	0	0	15	0	0
Verdigris - - - - - the lb.	0	0	1	0	0	1
Verjuice - - - - - the Ton	10	0	0	10	0	0
Vermilion - - - - the lb.	0	0	3	0	0	3
Wax, Bees Wax - - - - the Cwt.	0	2	0	0	1	0
in any Degree bleached - - the Cwt.	1	0	0	0	10	0
Myrtle Wax - - - - the Cwt.	0	2	0	0	1	0
Sealing Wax - - for every 100*l.* Value	15	0	0	15	0	0
Woad - - - - - the Ton	0	5	0	0	5	0
Weld - - - - - the Ton	0	5	0	0	5	0
Zaffre - - - - - the Cwt.	0	1	0	0	1	0
CLASS IX.—SKINS AND FURS.						
Skins, Furs, Pelts, and Tails, *viz.*						
Badger, undressed - - - the Dozen Skins	0	1	6	0	0	9
Bear - - - - - the Skin	0	3	0	0	2	0
Beaver, undressed - - - - the Skin	0	0	8	0	0	2
Cat, undressed - - - the Dozen Skins	0	1	0	0	0	6
Chinchilla, undressed - - the Dozen Skins	0	2	0	0	1	0
Coney, undressed - - - the 100 Skins	0	0	6	0	0	3
Deer, undressed - - - - the Skin	0	0	1	0	0	0½
—— Indian, half-dressed - - - the Skin	0	0	2	0	0	1
—— Indian, tanned, tawed, or in any way dressed, the Skin	0	0	6	0	0	3
Dog, in the Hair, not tanned, tawed, or in any way dressed - - - the Dozen Skins	0	0	2	0	0	1

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries. £	s.	d.	Of and from British Possessions. £	s.	d.
CLASS IX.—SKINS AND FURS—*continued.* Skins, Furs, Pelts, and Tails—*continued.*						
Dog Fish, undressed - - the Dozen Skins	0	1	0	0	0	1
Elk, undressed - - - - the Skin	0	0	6	0	0	3
Ermine, undressed - - the Dozen Skins	0	0	6	0	0	3
——— dressed - - - the Dozen Skins	0	2	0	0	1	0
Fisher, undressed - - the Dozen Skins	0	4	0	0	2	0
Fitch, undressed - - - the Dozen Skins	0	1	0	0	0	6
Fox, undressed - - - - the Skin	0	0	6	0	0	3
—— Tails, undressed - - - - each	0	0	2	0	0	1
Goat, raw or undressed - - the Dozen Skins	0	0	3	0	0	2
——— tanned, tawed, or in any way dressed, the Dozen Skins	0	5	0	0	2	6
Goose, undressed - - - the Dozen Skins	0	1	0	0	0	6
Hare, undressed - - - the 100 Skins	0	0	6	0	0	3
Husse, undressed - - - the Dozen Skins	0	3	0	0	1	6
Kangaroo, undressed - - the Dozen Skins	0	0	2	0	0	1
Kid, in the Hair, undressed - - the 100 Skins	0	0	4	0	0	2
—— dressed - - - - the 100 Skins	0	5	0	0	2	6
—— ditto, and dyed or coloured - the 100 Skins	0	10	0	0	5	0
Kolinski, undressed - - the Dozen Skins	0	1	0	0	0	6
Lamb, undressed, in the Wool - - the 100 Skins	0	0	4	0	0	2
——— tanned or tawed - - the 100 Skins	0	5	0	0	2	6
——— tanned or tawed, dyed or coloured, the 100 Skins	0	10	0	0	5	0
——— dressed in Oil - - - the 100 Skins	2	0	0	1	0	0
Leopard, undressed - - - - the Skin	0	1	6	0	0	9
Lion - ditto - - - - the Skin	0	0	6	0	0	3
Lynx - ditto - - - - the Skin	0	0	6	0	0	3
Marten - ditto - - - - the Skin	0	0	4	0	0	2
——— Tails ditto - - - the 100 Tails	0	2	6	0	1	3
Mink - ditto - - - the Dozen Skins	0	1	0	0	0	6
——— dressed - - - - the Skin	0	0	6	0	0	3
Mole, undressed - - - the 100 Skins	0	3	0	0	1	6
Musquash - ditto - - - the 100 Skins	0	1	0	0	0	6
Nutrea - ditto - - - - the 100 Skins	0	1	0	0	0	6
Otter - ditto - - - - the Skin	0	1	0	0	0	6
Ounce - ditto - - - - the Skin	0	0	2	0	0	1
Panther - ditto - - - - the Skin	0	0	2	0	0	1
Pelts of all Sorts, undressed - the Dozen Pelts	0	1	0	0	0	6
—— tanned, tawed, or in any way dressed, the Dozen Pelts	0	5	0	0	2	6
Racoon, undressed - - - the Dozen Skins	0	1	6	0	0	9
Sable - ditto - - - - the Skin	0	2	0	0	1	0
——— Tails or Tips, undressed - - the Dozen	0	1	6	0	0	9
Seal, in the Hair, not tanned, tawed, or in any way dressed - - - the Skin	0	0	4	0	0	4
—— of British Taking, imported direct from the Fishery or a British Possession - the Dozen Skins	-	-	-	0	0	1
Sheep, undressed, in the Wool - the Dozen Skins	0	0	6	0	0	3

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
	£	s.	d.	£	s.	d.
CLASS IX.—SKINS AND FURS—*continued.*						
Skins, Furs, Pelts, and Tails—*continued.*						
Sheep, tanned or tawed - - the 100 Skins	0	12	0	0	6	0
—— dressed in Oil - - the 100 Skins	1	0	0	0	10	0
Squirrel or Calabar, undressed - the 100 Skins	0	3	0	0	1	6
—— —— —— tawed - - the 100 Skins	0	5	0	0	2	6
—— —— —— Tails, undressed, for every 100*l.* Value	5	0	0	2	10	0
Swan, undressed - - - - the Skin	0	0	3	0	0	2
Tiger - ditto - - - the Skin	0	1	6	0	0	9
Weasel - ditto - - the Dozen Skins	0	0	3	0	0	2
Wolf, - ditto - - the Dozen Skins	0	2	0	0	1	0
—— tawed - - - the Skin	0	5	0	0	2	6
Wolverings, undressed - - - the Skin	0	0	3	0	0	2
Skins and Furs, or Pieces of Skins and Furs, raw or undressed, not particularly enumerated or described, nor otherwise charged with Duty, for every 100*l.* Value	5	0	0	2	10	0
Skins and Furs, or Pieces of Skins and Furs, tanned, curried, or in any way dressed, not particularly enumerated or described, nor otherwise charged with Duty - - - for every 100*l.* Value	10	0	0	5	0	0
Articles manufactured of Skins or Furs, for every 100*l.* Value	20	0	0	10	0	0
CLASS X.—HIDES, RAW AND TANNED.						
Hides of Horse, Mare, Gelding, Buffalo, Bull, Cow, Ox, Calf, Kip, Swine, and Hog, Sea-cow, Elephant, and Eland, or large Deer:						
—— not tanned, tawed, curried, or in any way dressed, *viz.*						
dry - - - - the Cwt.	0	0	6	0	0	2
wet - - - - the Cwt.	0	0	3	0	0	1
—— whether whole, cut, rounded, or trimmed, or Pieces thereof, not cut into Shapes, tanned, but not otherwise dressed - - - the lb.	0	0	2	0	0	1
—— tawed, curried, or in any way dressed, not being varnished, japanned, or enamelled - the lb.	0	0	4	0	0	2
—— if varnished, japanned, or enamelled - the lb.	0	0	6	0	0	3
Losh Hides - - - - the lb.	0	0	4	0	0	2
Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed - the lb.	0	0	4	0	0	2
Hides, or Pieces thereof, raw or undressed, not otherwise enumerated - - for every 100*l.* Value	5	0	0	2	10	0
Hides, or Pieces thereof, tanned, tawed, curried, or in any way dressed, not otherwise enumerated, for every 100*l.* Value	10	0	0	5	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.	ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
	CLASS XI.—MANUFACTURES OF LEATHER.						
	Leather Manufactures, *viz.*	£	s.	d.	£	s.	d.
	Boots, Shoes, and Calashes, *viz.*						
	— Women's Boots and Calashes - the Dozen Pairs	0	12	0	0	12	0
	— ——— if lined or trimmed with Fur or other Trimming - - - the Dozen Pairs	0	15	0	0	15	0
	— ——— Shoes, with Cork or double Soles, quilted Shoes and Clogs - - the Dozen Pairs	0	10	0	0	10	0
	— ——— if trimmed or lined with Fur or any other Trimming - - the Dozen Pairs	0	12	0	0	12	0
	— Women's Shoes of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather, the Dozen Pairs	0	9	0	0	9	0
	— Women's Shoes, if trimmed or lined with Fur or any other Trimming - the Dozen Pairs	0	10	0	0	10	0
	— Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
	— Men's Boots - - - the Dozen Pairs	1	8	0	1	8	0
	— ——— Shoes - - - the Dozen Pairs	0	14	0	0	14	0
	— Boys Boots and Shoes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.						
	Leather, *viz.*						
	Boot Fronts, not exceeding Nine Inches in Height, the Dozen Pairs	0	3	6	0	3	6
	exceeding Nine Inches in Height, the Dozen Pairs	0	5	6	0	5	6
	Leather cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, - - for every 100*l.* Value	15	0	0	15	0	0
	Gloves of Leather, *viz.*						
	Habit Mitts - - - the Dozen Pairs	0	2	4	0	2	4
	Habit Gloves - - the Dozen Pairs	0	3	6	0	3	6
	Men's Gloves - - - the Dozen Pairs	0	3	6	0	3	6
	Women's Gloves, or Mitts - the Dozen Pairs	0	4	6	0	4	6
	Parchment - - - the Dozen Sheets	0	6	0	0	6	0
	Vellum - - - - the Skin	0	1	0	0	1	0
	CLASS XII.—COTTON, HAIR, LINEN, WOOL, AND MANUFACTURES THEREOF.						
	Cotton, Hair, Linen, Wool, &c., *viz.*						
	Bandstring Twist, the Dozen Knots, each containing 32 Yards - - - - -	0	5	0	0	2	6
	Candlewick - - - - the Cwt.	0	8	8	0	4	4
	Cotton, Manufactures of - for every 100*l.* Value	10	0	0	5	0	0
	——— Yarn - - for every 100*l.* Value	10	0	0	5	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS XII.—COTTON, HAIR, LINEN, WOOL, AND MANUFACTURES THEREOF—*continued.*	£	s.	d.	£	s.	d.
Cotton Articles, or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty for every 100*l.* Value	20	0	0	10	0	0
Flax and Tow, or Codilla of Hemp or Flax, whether dressed or undressed - - - the Cwt.	0	0	1	0	0	1
Flocks - - - - - the Cwt.	0	5	0	0	2	6
Gauze of Thread - - for every 100*l.* Value	15	0	0	7	10	0
Hair, *viz.*						
—— Camel's Hair or Wool - - - the lb.	0	0	1	Free.		
—— Cow, Ox, Bull, or Elk Hair - - the Cwt.	0	0	6	0	0	3
—— Goats Hair (*See* Wool).						
—— Horse Hair - - - - the Cwt.	0	0	6	0	0	3
—— not otherwise enumerated or described, for every 100*l.* Value	5	0	0	2	10	0
—— Manufactures of Hair or Goats Wool, or of Hair or Goats Wool and any other Material, and Articles of such Manufacture wholly or in part made up, not particularly enumerated or otherwise charged with Duty - for every 100*l.* Value	15	0	0	7	10	0
Inkle, unwrought - - - - the lb.	0	0	6	0	0	3
—— wrought - - - - the lb.	0	1	0	0	0	6
Linen, or Linen and Cotton, *viz.*						
—— Cambrics and Lawns, commonly called French Lawns, the Piece not exceeding Eight Yards in Length, and not exceeding Seven Eighths of a Yard in Breadth, and so in proportion for any greater or less Quantity:						
—— —— Plain - - - - the Piece	0	5	0	0	5	0
—— —— Bordered Handkerchiefs - the Piece	0	5	0	0	5	0
—— Lawns of any other Sort, not French, for every 100*l.* Value	15	0	0	15	0	0
—— Lace Thread - - for every 100*l.* Value	12	10	0	12	10	0
—— —— made by the Hand, commonly called Cushion or Pillow Lace, whether of Linen, Cotton, or Silken Thread - for every 100*l.* Value	12	10	0	12	10	0
—— Damasks - - - the Square Yard	0	0	10	0	0	10
—— Damask Diaper - - the Square Yard	0	0	5	0	0	5
—— Plain Linens and Diaper, not otherwise enumerated or described, and whether chequered or striped with dyed Yarn or not, for every 100*l.* Value	15	0	0	15	0	0
—— Sails - - - for every 100*l.* Value	15	0	0	15	0	0
—— —— in actual Use of a British Ship, and fit and necessary for such Ship, and not otherwise disposed of - - - -	Free.			Free.		
—— Sails, if and when otherwise disposed of, for every 100*l.* Value	15	0	0	15	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS XII.—COTTON, HAIR, LINEN, WOOL, AND MANUFACTURES THEREOF—*continued.*						
Linen, or Linen and Cotton—*continued.*	£	s.	d.	£	s.	d.
—— Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	15	0	0	15	0	0
Thread, not otherwise enumerated or described, for every 100*l.* Value	10	0	0	5	0	0
Wool, *viz.*						
—— Alpaca, and the Llama Tribe - - the Cwt.	0	2	6	0	2	6
—— Beaver - - - - the lb.	0	0	6	0	0	3
—— —— cut and combed - - the lb.	0	1	0	0	0	6
—— Coney - - - - the lb.	0	0	1	0	0	1
—— Cotton, or Waste of Cotton Wool - the Cwt.	0	2	11	0	0	4
—— Goats, or Hair - - - the Cwt.	0	2	6	Free.		
—— Hares - - - - the lb.	0	0	1	Free.		
—— Sheep or Lambs Wool, *viz.*						
—— —— not being of the Value of 1*s.* the lb. thereof, the lb.	0	0	0½	Free.		
—— —— being of the Value of 1*s.* the lb., or upwards, the lb.	0	0	1	Free.		
Woollens, *viz.*						
—— —— Manufactures of Wool, not being Goats Wool, or of Wool mixed with Cotton, not particularly enumerated or described, nor otherwise charged with Duty - for every 100*l.* Value	15	0	0	5	0	0
—— —— Articles of Manufactures of Wool, not Goats Wool or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with Duty - - for every 100*l.* Value	20	0	0	10	0	0
Yarn, raw Linen - - - - the Cwt.	0	1	0	0	1	0
—— Worsted - - - - the lb.	0	0	6	0	0	6
—— Camel or Mohair - - - the lb.	0	0	1	0	0	1
CLASS XIII.—GLASS, EARTHENWARE, AND PORCELAIN.						
Beads and Bugles of Glass - - - the lb.	0	0	3	0	0	3
Bottles of Earth or Stone, and empty - the Dozen	0	0	2	0	0	2
—— of Glass covered with Wicker, (not being Flint or Cut Glass,) or of Green or common Glass, the Cwt.	0	4	0	0	4	0
—— —— and further, on account of the Excise Duty - - - the Cwt.	0	7	0	0	7	0
—— of Glass not otherwise enumerated or described, the Cwt.	1	0	0	1	0	0
—— —— —— and further, on account of the Excise Duty, the Cwt.	1	0	0	1	0	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS XIII.—GLASS, EARTHENWARE, AND PORCELAIN—*continued.*						
	£	s.	d.	£	s.	d.
China or Porcelain Ware, *viz.*						
—— plain - - - for every 100*l.* Value	15	0	0	15	0	0
—— painted, gilt, or ornamented, for every 100*l.* Value	20	0	0	20	0	0
Earthenware, not otherwise enumerated or described, for every 100*l.* Value	10	0	0	10	0	0
Enamel - - - - the lb.	0	2	0	0	2	0
Glass, *viz.*						
—— Crown Glass, or any Kind of Window Glass, not exceeding One Ninth of an Inch in Thickness, and not being Plate Glass or German Sheet Glass - - - - the Cwt.	1	10	0	1	10	0
—— —— and further, on account of the Excise Duty, the Cwt.	5	3	0	5	3	0
—— Flint and Cut Glass - for every 100*l.* Value	30	0	0	30	0	0
—— —— and further, on account of the Excise Duty, the Cwt.	1	0	0	1	0	0
—— German Sheet Glass, White or coloured, not exceeding One Ninth of an Inch in Thickness, and Shades, - - - the Cwt.	1	10	0	1	10	0
—— —— and further, on account of the Excise Duty, the Cwt.	4	4	0	4	4	0
—— all Glass exceeding One Ninth of an Inch in Thickness; all silvered or polished Glass, of whatever Thickness, and Plate Glass, however small each Pane, Plate, or Sheet, Superficial Measure, *viz.*						
—— —— not containing more than 9 Square Feet, the Square Foot	0	4	0	0	4	0
—— —— containing more than 9 Square Feet, and not more than 14 Square Feet, the Square Foot	0	5	0	0	5	0
—— —— containing more than 14 Square Feet, and not more than 36 Square Feet, the Square Foot	0	6	0	0	6	0
—— —— containing more than 36 Square Feet, the Square Foot	0	7	0	0	7	0
Glass Manufactures not otherwise enumerated or described, and old broken Glass fit only to be re-manufactured - the Cwt.	1	0	0	1	0	0
—— —— and further, on account of the Excise Duty, the Cwt.	1	0	0	1	0	
Paintings on Glass - - for every 100*l.* Value	5	0	0	5	0	0
—— and further, on account of the Excise Duty, the Superficial Foot	0	4	0	0	4	0 0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
CLASS XIV.—SILK, AND MANUFACTURES OF SILK.						
Silk, *viz.*						
—— Knubs or Husks of Silk, and waste Silk the Cwt.	0	1	0	0	0	6
—— Raw Silk - - - - the lb.	0	0	1	0	0	1
—— Thrown Silk, not dyed, *viz.*						
—— —— Singles - - - the lb.	0	1	0	0	0	6
—— —— Tram - - - the lb.	0	1	0	0	0	6
—— —— Organzine and Crape Silk - the lb.	0	1	0	0	0	6
—— Thrown Silk, dyed, *viz.*						
—— —— Singles or Tram - - the lb.	0	2	0	0	1	0
—— —— Organzine or Crape Silk - the lb.	0	2	0	0	1	0
—— Manufactures of Silk, or of Silk mixed with any other Material, the Produce of Europe, *viz.*						
—— Silk or Satin, plain - - the lb.	0	11	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	25	0	0		—	
—— Silk, figured or brocaded - - the lb.	0	15	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Gauze, plain - - - the lb.	0	17	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Gauze, striped, figured, or brocaded - the lb.	1	7	6		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Crape, plain - - - the lb.	0	16	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Crape, figured - - - the lb.	0	18	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Velvet, plain - - - the lb.	1	2	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Velvet, figured - - - the lb.	1	7	6		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— Ribbons, embossed, or figured with Velvet, the lb.	0	17	0		—	
—— —— or, and at the Option of the Officers of the Customs - for every 100*l.* Value	30	0	0		—	
—— —— and further, if mixed with Gold, Silver, or other Metal, in addition to the above Rates, when the Duty is not charged according to Value - - the lb.	0	10	0		—	
—— Fancy Silk Net, or Tricot - - the lb.	1	4	0		—	

TABLE (A.) — *continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS XIV. — SILK, AND MANUFACTURES OF SILK — *continued.*						
Silk—*continued.*	£	s.	d.	£	s.	d.
—— Plain Silk Lace or Net, called Tulle, the Square Yard	0	1	4	—		
—— Manufactures of Silk, or of Silk mixed with any other Material, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30	0	0	5	0	0
—— Millinery of Silk, or of which the greater Part of the Materials is of Silk, *viz.*						
—— Turbans or Caps - - - each	0	15	0	0	15	0
—— Hats or Bonnets - - - each	1	5	0	1	5	0
—— Dresses - - - - each	2	10	0	2	10	0
—— ——— or, and at the Option of the Officers of the Customs, for every 100*l.* Value	40	0	0	40	0	0
—— Manufactures of Silk, or of Silk and any other Material and Articles of the same, wholly or in part made up, not particularly enumerated or otherwise charged with Duty, for every 100*l.* Value	30	0	0	30	0	0
Silkworm Gut - - - for every 100*l.* Value	20	0	0	20	0	0
CLASS XV.—NAVAL STORES.						
Bast Ropes, Twines, and Strands - - the Cwt.	0	5	0	0	2	6
Cables (not being Iron Cables), tarred or untarrred, the Cwt.	0	6	0	0	3	0
——— not being Iron Cables, in actual Use of a British Ship, and being fit and necessary for such Ship, and not, or until, otherwise disposed of -	Free.			Free.		
——— if and when otherwise disposed of, for every 100*l.* Value	10	0	0	5	0	0
Coir Rope, Twine, and Strands - - the Cwt.	0	2	6	0	1	3
Cordage, tarred or untarred, (standing or running Rigging in use excepted) - the Cwt.	0	6	0	0	3	0
——— in actual Use of a British Ship, and being fit and necessary for such Ship, and not, or until, otherwise disposed of - -	Free.			Free.		
——— if and when otherwise disposed of, for every 100*l.* Value	5	0	0	2	10	0
Hemp, dressed - - - the Cwt.	0	4	0	0	2	0
——— rough or undressed, or any other vegetable Substance of the Nature and Quality of undressed Hemp, and applicable to the same Purposes - - - the Cwt.	0	0	1	0	0	1
Oakum - - - - - - the Cwt.	0	0	1	0	0	1
Pitch - - - - - - the Cwt.	0	0	6	0	0	1

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
	£	s.	d.	£	s.	d.
CLASS XV.—NAVAL STORES—*continued.*						
Rosin - - - - the Cwt.	0	2	0	0	1	0
Ships to be broken up, with their Tackle, Apparel, and Furniture (except Sails), *viz.*						
—— Foreign Ships or Vessels - for every 100*l.* Value	25	0	0	25	0	0
—— Foreign Ships broken up - for every 100*l.* Value	10	0	0	10	0	0
—— British Ships or Vessels entitled to be registered as such, and not having been built in the United Kingdom - - - - - -	-	-	-	Free.		
Tar, the Last, containing 12 Barrels, each Barrel not exceeding 31½ Gallons - - - -	0	2	6	0	0	6
Turpentine, *viz.*						
———— not being of greater Value than 9*s.* per Cwt. the Cwt.	0	0	1	0	0	1
———— from 9*s.* to 15*s.* Value per Cwt. - the Cwt.	0	1	0	0	0	3
———— above 15*s.* Value per Cwt. - the Cwt.	0	5	0	0	2	6
Twine - - - - - the Cwt.	0	10	0	0	5	0
Yarn, Cable Yarn - - - - the Cwt.	0	6	0	0	3	0
CLASS XVI.—STONES, BRICKS, AND TILES.						
Bricks or Clinkers (Dutch) - - the 1,000	0	10	0	0	5	0
———— other Sorts - - the 1,000	0	15	0	0	7	6
Chalk, unmanufactured, and not otherwise enumerated, for every 100*l.* Value	5	0	0	2	10	0
—— prepared or manufactured, and not otherwise enumerated - - for every 100*l.* Value	10	0	0	5	0	0
Gypsum - - - - the Ton	1	11	8	0	1	3
Plaister of Paris - - - - the Ton	1	0	0	1	0	0
Stone, *viz.*						
—— Stone, in Lumps, not in any Manner hewn; Slate, and Marble, in rough Blocks or Slabs; Limestone; Flint Stones; Felspar and Stones for Potters Use; Pebble Stones; Stone to be used for the Purpose of Lithography - -	Free.			Free.		
—— Stone, in Blocks, shaped, or rough scapled, the Ton	0	2	0	0	0	6
—— Stone and Slate, hewn - - the Ton	0	10	0	0	1	0
—— Marble, sawn into Slabs, or otherwise manufactured - - - the Cwt.	0	3	0	0	1	6
Tiles - - - - for every 100*l.* Value	10	0	0	5	0	0
CLASS XVII.—COFFEE, COCOA, TEA, AND TOBACCO.						
Coffee - - - - - the lb.	0	0	8	0	0	4
Cocoa - - - - - the lb.	0	0	4	0	0	1
—— Husks and Shells - - - the lb.	0	0	1	0	0	0½

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Rates of Duty. Of and from British Possessions.	GOODS, WARES, AND MERCHANDIZE IMPORTED.
CLASS XVII.—COFFEE, COCOA, TEA, AND TOBACCO—*continued.*	£ s. d.	£ s. d.	
Cocoa Paste and Chocolate - - - the lb.	0 0 6	0 0 2	
Tea - - - - - - the lb.	0 2 1	0 2 1	
Tobacco, *viz.*			
——— Unmanufactured - - the lb.	0 3 0	0 3 0	
——— Snuff - - - - the lb.	0 6 0	0 6 0	
——— Manufactured, or Cigars - - the lb.	0 9 0	0 9 0	
——— Stalks and Flour of - - - -	Prohibited.	Prohibited.	
——— (Manufactured in the United Kingdom, at or within Two Miles of any Port into which Tobacco may be imported, made into Shag, Roll, or Carrot Tobacco, Drawback upon Exportation, or Shipment as Stores, the lb., 2*s.* 7½*d.*)			
CLASS XVIII.—SPIRITS AND WINES.			
Spirits or strong Waters, of all Sorts, *viz.*			
——— For every Gallon of such Spirits or strong Waters of any Strength, not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, *viz.*			
——— ——— being Spirits or strong Waters, not the Produce of any British Possession, and not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer, the Gallon	1 2 6	—	
——— ——— Spirits or strong Waters, the Produce of any British Possession in America, not being sweetened Spirits, or Spirits so mixed as aforesaid - the Gallon	- - -	0 9 0	
——— ——— Rum, the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits, or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - - - the Gallon	- - -	0 9 0	
——— ——— Rum Shrub, however sweetened, the Produce of and imported from such Possessions, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, or the Produce of, and imported from any British Possession in America - - - - -	- - -	0 9 0	

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.	Of and from British Possessions.
CLASS XVIII.—SPIRITS AND WINES—*continued.*	£ s. d.	£ s. d.
Spirits or strong Waters, of all Sorts—*continued.*		
—— —— Spirits or strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, except Rum in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, not being sweetened Spirits, or Spirits so mixed as aforesaid - - the Gallon	- - -	0 15 0
—— Spirits, Cordials, or strong Waters, not being the Produce of any British Possession in America, nor of any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by Sykes's Hydrometer, and perfumed Spirits to be used as Perfumery only - the Gallon	1 10 0	1 10 0
—— Cordials, or strong Waters, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession qualified as aforesaid, sweetened or mixed with any Article as aforesaid - - the Gallon	- - -	1 0 0
—— Liqueurs, the Produce of and imported from British Possessions in America, or of and from any British Possession qualified as aforesaid, not being of greater Strength than the Strength of Proof by Sykes's Hydrometer - the Gallon	- - -	0 9 0
—— —— being of greater Strength by Sykes's Hydrometer, except Rum Shrub, the Gallon	- - -	0 13 6
Wine, *viz.*		
—— The Produce of the Cape of Good Hope, or the Territories or Dependencies thereof, and imported directly from thence - the Gallon	- - -	0 2 9
—— French - - - - the Gallon	0 5 6	—
—— Canary - - - the Gallon	0 5 6	—
—— Madeira - - - the Gallon	0 5 6	—
—— Portugal - - - the Gallon	0 5 6	—
—— Rhenish - - - - the Gallon	0 5 6	—
—— Spanish - - - - the Gallon	0 5 6	—
—— Other Sorts - - - the Gallon	0 5 6	—
(The full Duties on Wine are drawn back upon Re-exportation or Shipment as Stores.)		
—— Lees, subject to the same Duty as Wine, but no Drawback is allowed on the Lees of Wine exported.		

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS XIX.—MISCELLANEOUS.	£	s.	d.	£	s.	d.
Agates or Cornelians - - for every 100*l.* Value	5	0	0	5	0	0
——— set - - - for every 100*l.* Value	15	0	0	15	0	0
Barbadoes Tar - - - - the Cwt.	0	2	6	0	2	6
Basket Rods, peeled, not exceeding Three Feet in Circumference at the Band - the Bundle	0	0	6	0	0	6
——— unpeeled - - - the Bundle	0	0	3	0	0	3
Baskets - - - for every 100*l.* Value	10	0	0	10	0	0
Beads, Arango - - for every 100*l.* Value	15	0	0	15	0	0
Coral - - for every 100*l.* Value	15	0	0	15	0	0
Jet - - - for every 100*l.* Value	15	0	0	15	0	0
not otherwise enumerated or described, for every 100*l.* Value	15	0	0	15	0	0
Birds, *viz.* Singing Birds - - - the Dozen	0	8	0	0	8	0
Blacking - - - - - the Cwt.	1	0	0	1	0	0
Bladders - - - - - the Dozen	0	0	3	0	0	3
Books, *viz.*						
——— being of Editions printed prior to the Year 1801, bound or unbound - - - the Cwt.	1	0	0	1	0	0
——— being of Editions printed in or since the Year 1801, bound or unbound - - the Cwt.	5	0	0	5	0	0
——— being of Editions in the Foreign Living Languages, printed in or since the Year 1801, bound or unbound - - the Cwt.	2	10	0	2	10	0
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether burnt or not, or as Animal Charcoal - - - - - the Ton	0	0	6	0	0	6
Boxes of all Sorts, excepting those made wholly or partly of Glass, on which the proper Glass Duty will be levied - - - for every 100*l.* Value	10	0	0	5	0	0
Bristles, rough, and in the Tufts, and not in any way sorted - - - - the Cwt.	0	2	6	0	2	6
——— in any way sorted, or arranged in Colours, and not entirely rough and in the Tufts - the lb.	0	0	3	0	0	3
Brocade of Gold or Silver - for every 100*l.* Value	20	0	0	20	0	0
Bullrushes - - - - the Ton	0	10	0	0	10	0
Candles:—						
——— Spermaceti - - - the lb.	0	0	6	0	0	6
——— Stearine - - - - the lb.	0	0	2½	0	0	2½
——— Tallow - - - the Cwt.	0	10	0	0	10	0
——— Wax - - - - the lb.	0	0	4	0	0	4
Canes:						
——— Bamboo - - - the 1,000	0	0	6	0	0	6
——— Rattans, not ground - - the 1,000	0	5	0	0	5	0
——— Reed Canes - - - the 1,000	0	5	0	0	5	0
——— Walking Canes or Sticks, mounted, painted, or otherwise ornamented - for every 100*l.* Value	20	0	0	20	0	0
——— or Sticks, unenumerated - - the 1,000	0	5	0	0	5	0

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS XIX.—MISCELLANEOUS—*continued.*	£	s.	d.	£	s.	d.
Cards, *viz.* Playing Cards - - the Dozen Packs	4	0	0	4	0	0
Carriages of all Sorts - - for every 100*l.* Value	20	0	0	20	0	0
Casks (empty) - - for every 100*l.* Value	25	0	0	25	0	0
Casts of Busts, Statues, or Figures - - the Cwt.	0	2	6	0	2	6
Catlings - - the Gross, containing 12 Dozen Knots	0	3	0	0	3	0
Chip of Willow, for platting - - the Cwt.	0	0	1	0	0	1
Clocks - - - for every 100*l.* Value	20	0	0	20	0	0
Clocks or Watches, of any Metal, impressed with any Mark or Stamp, appearing to be or to represent any legal British Assay Mark or Stamp, or purporting, by any Mark or Appearance, to be of the Manufacture of the United Kingdom - -	Prohibited.			Prohibited.		
Cork (from and after July 5, 1843) - the Ton	0	1	0	0	1	0
Corks, ready made, (from and after July 5, 1843) the lb.	0	0	8	0	0	8
——— squared for rounding - - the Cwt.	0	16	0	0	16	0
——— Fishermen's - - - the Cwt.	0	2	0	0	2	0
Coral, *viz.*						
——— in Fragments - - - - the lb.	0	0	2	0	0	1
——— whole, polished - - - the lb.	0	12	0	0	0	6
——— unpolished - - - the lb.	0	5	6	0	0	6
Crayons - - - for every 100*l.* Value	15	0	0	15	0	0
Diamonds - - - - -	Free.			Free.		
Dice - - - - the Pair	1	6	2	1	6	2
Down - - - - the lb.	0	1	3	0	0	7½
Embroidery and Needlework - for every 100*l.* Value	20	0	0	20	0	0
Feathers for Beds, in Beds or otherwise - the Cwt.	1	0	0	0	10	0
——— Ostrich, dressed - - - the lb.	1	10	0	1	10	0
——— ——— undressed - - - the lb.	0	0	1	0	0	1
——— not otherwise enumerated or described, *viz.*						
——— dressed - - for every 100*l.* Value	10	0	0	10	0	0
——— undressed - - for every 100*l.* Value	5	0	0	5	0	0
——— Paddy Bird - - - the lb.	0	1	0	0	1	0
Flower Roots - - - for every 100*l.* Value	5	0	0	5	0	0
Flowers, Artificial, not made of Silk, for every 100*l.* Value	25	0	0	25	0	0
Frames, for Pictures, Prints, or Drawings, for every 100*l.* Value	10	0	0	10	0	0
Garnets - - - - the lb.	0	5	0	0	5	0
——— cut - - - - the lb.	0	15	0	0	15	0
Grease - - - - the Cwt.	0	1	8	0	0	3
Greaves, for Dogs - - - - the Cwt.	0	2	0	0	2	0
Gunpowder - - - - the Cwt.	1	0	0	1	0	0
Gun-stocks in the rough, of Walnut or other Woods, the Cwt.	0	0	6	0	0	6
Guano - - - - the Ton	0	1	0	0	1	0
Hair, Human - - - - the lb.	0	1	0	0	1	0
Harp Strings or Lute Strings, silvered, for every 100*l.* Value	20	0	0	20	0	0

TABLE (A.)—*continued.*

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.			GOODS, WARES, AND MERCHANDIZE IMPORTED.
CLASS XIX.—MISCELLANEOUS—*continued.*	£	s.	d.	£	s.	d.	
Hats or Bonnets, *viz.*							
—— of Chip - - - - the lb.	0	5	0	0	5	0	
—— Bast, Cane, or Horse-hair Hats or Bonnets, each Hat or Bonnet not exceeding 22 Inches in Diameter - - - the Dozen	0	10	0	0	10	0	
—— each Hat or Bonnet exceeding 22 Inches in Diameter - - - the Dozen	0	15	0	0	15	0	
—— Straw Hats or Bonnets - - - the lb.	0	8	6	0	8	6	
—— Felt, Hair, Wool, or Beaver - - each	0	2	6	0	2	6	
—— made of Silk, or Silk Shag, laid upon Felt, Linen, or other Material - - - each	0	3	6	0	3	6	
Heath, for Brushes - - - the Cwt.	0	5	0	0	5	0	
Hones - - - - - the 100	1	0	0	1	0	0	
Hoofs of Cattle - - for every 100*l.* Value	1	0	0	1	0	0	
Horns, Horn Tips, and Pieces of Horn - the Ton	0	1	0	0	1	0	
Horse Grease. *See* Oil, "Animal."							
Japanned or Lacquered Ware - for every 100*l.* Value	15	0	0	15	0	0	
Jet - - - - - the lb.	0	0	1	0	0	1	
Jewels, Emeralds, Rubies, and all other precious Stones (except Diamonds and Pearls) unset, for every 100*l.* Value	0	10	0	0	10	0	*See the Amending Act, Cap. 56. § 4. infra.*
—— set - - - for every 100*l.* Value	10	0	0	10	0	0	
Ink for Printers - - - - the Cwt.	0	10	0	0	10	0	
Lamp Black - - - - the Cwt.	1	0	0	1	0	0	
Magna Græcia Ware - - for every 100*l.* Value	5	0	0	5	0	0	
Manures not otherwise enumerated or charged with Duty, the Ton	0	0	6	0	0	6	
Manuscripts - - - - the lb.	0	0	2	0	0	2	
Maps or Charts, or Parts thereof, plain or coloured - each	0	0	1	0	0	1	
Mats and Matting - - for every 100*l.* Value	5	0	0	2	10	0	
Mattresses - - - for every 100*l.* Value	10	0	0	10	0	0	
Mill Boards - - - - the Cwt.	1	10	0	1	10	0	
Models of Cork or Wood - - for every 100*l.* Value	5	0	0	5	0	0	
Mother-of-Pearl Shells - - for every 100*l.* Value	5	0	0	5	0	0	
Musical Instruments - - for every 100*l.* Value	15	0	0	15	0	0	
Mustard Flour - - - - the Cwt.	0	12	0	0	12	0	
Palmetto Thatch - - - the Cwt.	-	-	-	0	0	1	
——— Manufactures of ditto - for every 100*l.* Value	-	-	-	5	0	0	
Paper, *viz.*							
—— Brown, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith - - - the lb.	0	0	3	0	0	3	
—— Printed, painted, or stained Paper, or Paper Hangings, or Flock Paper - - the Square Yard	0	1	0	0	1	0	

TABLE (A.)—*continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Of and from British Possessions.		
CLASS XIX.—MISCELLANEOUS—*continued.*						
Paper—*continued.*	£	s.	d.	£	s.	d.
—— Waste, unless printed on in the English Language, or Paper of any other Sort not particularly enumerated or described, nor otherwise charged with Duty - - - the lb.	0	0	4½	0	0	4½
—— Printed on, in the English Language - -	Prohibited.			Prohibited.		
Paste Boards - - - - the Cwt.	1	10	0	1	10	0
Pencils - - - for every 100*l.* Value	15	0	0	15	0	0
——— of Slate - - for every 100*l.* Value	15	0	0	15	0	0
Pens - - - for every 100*l.* Value	15	0	0	15	0	0
Percussion Caps - - - the 1,000	0	0	4	0	0	4
Phosphorus - - - for every 100*l.* Value	10	0	0	10	0	0
Pictures - - - - - each	0	1	0	0	1	0
——— and further - - the Square Foot	0	1	0	0	1	0
——— above 200 Square Feet - - - each	10	0	0	10	0	0
Plants, Shrubs, and Trees, alive - - - -	Free.			Free.		
Platting or other Manufactures to be used in, or proper for, making Hats or Bonnets, *viz.*						
——— of Bast, Cane, or Horsehair - - the lb.	0	10	0	0	10	0
——— of Chip - - - - the lb.	0	2	6	0	2	6
——— of Straw - - - - the lb.	0	7	6	0	7	6
Pots, Melting Pots for Goldsmiths - - the 100	0	3	2	0	3	2
—— of Stone - - - for every 100*l.* Value	20	0	0	20	0	0
Powder, *viz.*						
——— Hair Powder - - - the Cwt.	1	0	0	1	0	0
——— Perfumed - - - the Cwt.	1	0	0	1	0	0
Powder, not otherwise enumerated or described, that will serve for the same Uses as Starch - - the Cwt.	0	10	0	0	10	0
Prints and Drawings, plain or coloured, single - each	0	0	1	0	0	1
——————— bound or sewn - the Dozen	0	0	3	0	0	3
Quills, Goose - - - - the 1,000	0	0	6	0	0	3
—— Swan - - - - the 1,000	0	3	0	0	1	6
Rags, *viz.*						
—— Old Woollen Rags - - - - per Ton	0	0	6	0	0	6
—— Old Rags, old Ropes or Junk, or old Fishing Nets, fit only for making Paper or Pasteboard, per Ton	0	0	6	0	0	6
—— Pulp of Rags - - - - per Ton	0	5	0	0	5	0
Salt - - - - -	Free.			Free.		
Scaleboards - - - - the Cwt.	1	10	0	1	10	0
Soap, hard - - - the Cwt.	1	10	0	1	0	0
—— soft - - - - - the Cwt.	1	0	0	0	15	0
—— Naples - - - - the Cwt.	2	16	0	2	16	0
Spa Ware - - - for every 100*l.* Value	15	0	0	15	0	0
Spermaceti, fine - - for every 100*l.* Value	25	0	0	25	0	0
Sponge - - - - the lb.	0	0	6	0	0	1

TABLE (A.)— *continued.*

GOODS, WARES, AND MERCHANDIZE IMPORTED.

ARTICLES.	Rates of Duty. Of or from Foreign Countries.			Rates of Duty. Of and from British Possessions.		
CLASS XIX.—MISCELLANEOUS — *continued.*	£	s.	d.	£	s.	d.
Starch - - - - the Cwt.	0	10	0	0	5	0
—— Gum of, torrified or calcined, commonly called British Gum - - - the Cwt.	0	15	0	0	15	0
Straw or Grass, for platting - - the Cwt.	0	0	1	0	0	1
Stavesacre - - - - the Cwt.	0	4	0	0	4	0
Sulphur Impressions - - for every 100*l.* Value	5	0	0	5	0	0
Tallow - - - - the Cwt.	0	3	2	0	0	3
Tarras - - - - - the Bushel	0	1	3	0	1	3
Teasles - - - - - the 1,000	0	0	3	0	0	3
Teeth, Elephants, Sea Cow, Sea Horse, or Sea Morse, the Cwt.	0	1	0	0	1	0
Telescopes - - for every 100*l.* Value	15	0	0	15	0	0
Tobacco Pipes of Clay - - for every 100*l.* Value	15	0	0	15	0	0
Tortoiseshell or Turtleshell, unmanufactured - the lb.	0	1	0	0	0	1
Toys, excepting Toy and Hand Mirrors, on which the Plate Glass Duty will be levied - for every 100*l.* Value	10	0	0	10	0	0
Turnery, not otherwise described - for every 100*l.* Value	15	0	0	15	0	0
Vases, ancient, not of Stone or Marble, for every 100*l.* Value	1	0	0	1	0	0
Wafers - - - - the lb.	0	0	3	0	0	3
Washings Balls - - - - the lb.	0	0	6	0	0	6
Watches of Gold or Silver, or other Metal, for every 100*l.* Value	10	0	0	10	0	0
Water, *viz.* Mineral Water - - the Gallon	0	0	1	0	0	1
Whipcord - - - - - the lb.	0	0	6	0	0	6
Whale Fins, British Taking, and imported direct from the Fishery, or from any British Possession, in a British Ship - - - - the Ton	-	-	-	1	0	0
—— otherwise taken (from and after July 5, 1843) - - for every 100*l.* Value	20	0	0	20	0	0
Goods, Wares, and Merchandize, being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland - - for every 100*l.* Value	20	0	0	20	0	0
Goods, Wares, and Merchandize, not being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland - for every 100*l.* Value	5	0	0	5	0	0

TABLE (B.)

DUTIES of CUSTOMS payable on GOODS, WARES, AND MERCHANDIZE, being the GROWTH, PRODUCE, or MANUFACTURE of the UNITED KINGDOM, exported from the UNITED KINGDOM to FOREIGN COUNTRIES.

ARTICLES.	Rate of Duty.		
	£	s.	d.
Coal, Culm, or Cinders in a Foreign Ship - - - - the Ton	0	4	0
Coal, in a British Ship, *viz.*			
—— Not being Small Coal - - - - - the Ton	0	2	0
—— Small Coal, that is to say, Coals which shall have been screened through a Riddle or Screen the Bars of which are not in any Part thereof more than ⅜ Parts of an Inch asunder, and Culm - - the Ton	0	1	0
Clay and China Stone - - - - - - the Cwt.	0	0	3
Cement Stone and Flint (except for Ballast), ground and unground the Cwt.	0	0	6
Wools and Skins - - - - - - the Cwt.	0	1	0
Manufactures, or pretended Manufactures, slightly wrought up, so as that the same may be reduced to and made use of as Wool again; Mattresses or Beds stuffed with combed Wool, or Wool fit for combing or carding - the Cwt.	0	1	0

See the Amending Act, Cap. 56. § 7. infra.

CAP. XLVIII.

An Act to provide for the Relief of the Poor in the Forest of *Dean* and other Extra-parochial Places in and near the Hundred of *Saint Briavel's* in the County of *Gloucester*.

[9th *July* 1842.]

'WHEREAS it is expedient that Provision should be made for the Relief and Maintenance of the 'Poor within the Extra-parochial Parts of Her Majesty's Forest of *Dean* and of the Hundred of '*Saint Briaval's*, and of certain Extra-parochial Places near or adjacent to the said Hundred, in the 'County of *Gloucester*, as after mentioned:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Extra-parochial Part and Parts of the Forest of *Dean* in the County of *Gloucester* lying Eastward of a Line drawn lengthways along the Centre of the Turnpike Road which enters the said Forest at or near *Viney Hill* along to *Deadman's Cross*, then following a Line drawn lengthways along the Centre of the Road from *Deadman's Cross* to *Black Pool Bridge*, then following the *Black Pool Brook* to *Fox's Bridge*, then following a Line drawn lengthways along the Centre of the Turnpike Road to the *Severn and Wye* Railroad near *Cannop Bridge*, then following a Line drawn along the Eastern Boundary of the said Railroad to where it quits the Forest near *Lidbrook*, shall from and after the passing of this Act become and be a Township under the Name of "*East Dean*;" and that all and every Extra-parochial Parts and Part of the said Forest of *Dean* lying Westward of the said Line, together with a certain Extra-parochial Place situate near *Lydney*, and adjoining the Parishes of *Lydney* and *Newland*, comprising a Wood called *Kidnolls* and other Lands now or late the Property of *Charles Bathurst* Esquire, shall from and after the passing of this Act become and be a Township under the Name of "*West Dean*."

The Forest of Dean divided into Two Townships, by the Names of "East Dean" and "West Dean."

II. And be it enacted, That each of the said Two Townships of "*East Dean*" and "*West Dean*" shall thenceforth and for ever, from and after the passing of this Act, maintain its own Poor, and for the Purposes of this Act be invested with such and the like Powers, Privileges, and Immunities, and be subject to the same Laws, Authorities, and Regulations, as other Townships in *England* and *Wales* maintaining their own Poor; and the Justices acting for the Districts in which such Townships are situate are hereby authorized and required to appoint yearly Four, Three, or Two substantial Householders as Overseers of the Poor for each of the said Townships of "*East Dean*" and "*West Dean*," at the same Time and in the same Manner as by Law is now required for the Nomination of Overseers of the Poor of Parishes or Townships of *England*; and such Persons so appointed shall be the Overseers of the Poor of such Townships.

Each of such Townships to maintain its own Poor as other Townships in England and Wales, and Overseers to be appointed.

III. And be it enacted, That it shall be lawful for the Poor Law Commissioners, and they are hereby authorized and required, at such Time or Times as they shall deem most fitting and convenient, to add the said Township of "*East Dean*" to the *Westbury-upon-Severn* Union, and the said Township of "*West Dean*"

East Dean Township shall be added to the Westbury-

Dean" to the *Monmouth* Union; and the said Poor Law Commissioners are hereby empowered to order and direct the Election of a Guardian or Guardians for each of such Townships, to act as Members of the Board of Guardians of such Unions respectively; and the said Commissioners are also hereby authorized to determine from Time to Time, by such Means as they shall deem proper, the Manner and Proportion in which each of the said Townships shall contribute to the common Fund of the Union to which it shall belong, and to the Purchase of any Stock, Goods, or Materials, or to the Purchase or renting of any Lands or Tenements which shall have been or shall be hereafter purchased or rented, or to the Debts or Liabilities heretofore or which may hereafter be lawfully incurred by the Guardians of such Union under and by virtue of any Act of Parliament relating to that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, subject as in this Act is provided; and such Addition of the said several Townships shall have the same Effect and produce the same Consequences as in the Case of the Addition of a Parish to a Union under the Poor Law Amendment Act.

upon-Severn Union, and West Dean to the Monmouth Union; Guardians may be appointed, and Poor Law Commissioners to determine the Proportions in which they shall contribute.

IV. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by Order under their Hands and Seal directed to the Overseers of the Poor of either of the said Townships, to order and direct the said Overseers to appoint, and pay out of the Poor Rates of the said Townships respectively, One or more paid Officers, to make, assess, and levy the Poor Rates of the said Townships respectively, and to perform therein the Duties or any of them which Overseers of the Poor are or may be by Law required to perform; and the said Commissioners are hereby empowered to determine and declare the Duties and the Qualifications, and regulate from Time to Time the Salaries or Remuneration, of such Officers, and their Continuance in Office, and the Manner and Proportion in which such Salaries shall be paid from the Poor Rates of the Township for which the said Officers shall respectively be appointed to act.

Paid Officers may be appointed to make and levy the Rates.

V. And be it enacted, That as soon as a Rate for the Relief of the Poor for such Townships respectively has been made, and not less than One Half of such Rate in Amount shall have been collected, the Overseers of the said Townships respectively shall and they are hereby required immediately thereafter to certify under their Hands the Fact of such Collection to the Poor Law Commissioners, and such Overseers shall thenceforth be liable to observe and obey all Rules and Orders lawfully made or to be made on them by the Board of Guardians of the Union to which such Townships may respectively belong; and no Person resident in or belonging to either of the said Townships shall have any Right to Relief from either of the said Townships until the Overseers of the Poor of such Townships respectively shall have certified to the Poor Law Commissioners that a Rate has been made, and that not less than One Half of such Rate in Amount has been collected; and the said Poor Law Commissioners shall thereupon order and declare the Day from which such Relief shall commence.

As soon as a Rate has been made, and Half collected, Overseers to certify Collection to the Poor Law Commissioners, and be liable to the Orders of the Boards of Guardians.

VI. And be it enacted, That it shall be lawful for the Poor Law Commissioners, and they are hereby authorized and required, to divide Four other Extra-parochial Places situate in the said Hundred of *Saint Briavel's*, called respectively the *Hudnolls*, the *Bearse*, the *Fence*, and *Mawkins Hazells*, into Two Portions or Districts, each or either of such Portions or Districts containing respectively One or more, or a Part of One or more, of the said Four last-mentioned Extra-parochial Places, and being of such Extent respectively and bounded in such Manner as the said Poor Law Commissioners shall think fit; and the said Commissioners shall, by Order under their Hands and Seal, assign one of such Districts to the Parish of *Saint Briavel's*, and the other of such Districts or Portions to the Parish of *Hewelsfield* in the said Hundred and County; and each such District or Portion shall, from and after the Time of such Order coming into force, be and be deemed to be, for all the Purposes of the Relief and Maintenance of the Poor, and the Execution of the Laws in force relating to the Relief and Maintenance of the Poor, and of the Expenditure and Application of the Poor's Rates, and of the Duties and Powers of Overseers of the Poor, an integral Part of the Parish to which it may have been assigned, and shall become a Portion of the Union to which each such Parish does or may belong; and the said Poor Law Commissioners may make such Alterations in the Number of Guardians and the declared Averages of any Parish or Parishes constituting the Union or Unions in which the Parishes of *Saint Briavel's* and *Hewelsfield*, or either of them, may be included, as to the said Commissioners may seem fit, on account of the Addition or Annexation of such assigned Districts or Portions to such Parishes respectively.

The Hudnolls, Bearse, Fence, and Mawkins Hazells to be divided into Two Districts, and annexed by the Poor Law Commissioners to the Parishes of Saint Briavel's and Hewelsfield.

VII. And be it enacted, That from and after the passing of this Act, and thenceforth for ever, a certain Extra-parochial Place called *Mailscot*, and a certain other Extra-parochial Place adjoining or near thereto, situate near *New Weir* in the said Hundred and County, bounded on the South and East by *Mailscot Wood*, on the North by the Parish of *Goodrich*, and on the West by the River *Wye*, shall be and be deemed to be, for all the Purposes of the Relief and Maintenance of the Poor, and the Execution of the Laws in force relating to the Relief and Maintenance of the Poor, and of the Expenditure and Application of the Poor Rates, and of the Duties and Powers of Overseers of the Poor, an integral Part of the Parish of *English Bicknor* in the said County; and Two other Extra-parochial Places, called respectively *Walmore* and *Northwoods Green*, in the said County, shall be and be deemed to be, for all the Purposes of the Relief and Maintenance of the Poor, and the Execution of the Laws in force relating to the Relief and Maintenance of the Poor, and of the Expenditure and Application of Poor Rates, and of the Duties and Powers of Overseers of the Poor, an integral Part of the Parish of *Westbury-upon-Severn* in the said County; and the said Extra-parochial Place called *Mailscot*, and the said other Extra-parochial Place adjoining or near thereto, and herein-before mentioned, shall, from and after the passing of this Act, become a Portion of the Union to which the said Parish of *English Bicknor* does or may belong; and the said Extra-parochial Places called respectively *Walmore* and *Northwoods Green* shall, from and after the passing of this Act, become a Portion of the Union to which the said Parish of *Westbury-upon-Severn* does

Mailscot and a Place near the New Weir annexed to the Parish of English Bicknor.

Walmore and Northwoods Green annexed to Westbury-upon-Severn,

does or may belong; and the Poor Law Commissioners may make such Alterations in the Number of Guardians or in the declared Averages of any Parish or Parishes constituting the Union or Unions in which the said Parishes of *Westbury-upon-Severn* and *English Bicknor*, or either of them, may be included, as to them may seem fit, on account of the Addition or Annexation of the said Extra-parochial Places to the said Parishes of *English Bicknor* and *Westbury-upon-Severn* respectively.

Orders of Poor Law Commissioners under this Act may be enforced as other Orders.

VIII. And be it enacted, That any Order or Regulation of the Poor Law Commissioners authorized to be made or issued under or for the Purposes of this Act shall be enforced in the same Manner as any other Orders or Regulations of the said Commissioners may now or hereafter be by Law enforced, and shall be subject to the same or the like legal Incidents as such Orders are or may be by Law subject to.

Act not to affect the Registration of Voters for Members of Parliament.

IX. And be it enacted, That nothing in this Act contained shall affect the Registration of Voters for Members of Parliament to take place in the present Year; and that so far as regards that Registration every List and Notice required by the "Act to amend the Representation of the People in *England* and *Wales*" shall be made out by and served upon the same Person or Persons, and shall be published in the same Place or Places, and in the same Manner, as if this Act had not been passed.

General Saving of the Crown's Rights.

X. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, all such Estate, Right, Title, Interest, Privilege, Prerogative, and Benefit (other than and except the Rights and Interests hereby expressly varied, barred, destroyed, or extinguished,) as She or They had or enjoyed in, to, out of, or from the said several Extra-parochial Townships, Districts, or Places herein-before mentioned, and every Part thereof respectively, before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been passed.

Public Act.

XI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act may be amended, &c. this Session.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLIX.

An Act to amend the Laws for the Regulation of the Trade of the *British* Possessions abroad.

[16th *July* 1842.]

3&4 W.4. c.59.

'WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, herein-after designated as "The Possessions Act:" And whereas it is expedient to make certain Alterations and Amendments therein:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, except as herein-after is provided, from and after the Fifth Day of *July* One thousand eight hundred and forty-three so far as relates to the *British* Possessions in *North America*, and from and after the Fifth Day of *April* One thousand eight hundred and forty-three so far as relates to the *British* Possessions in *South America* and the *West Indies*, and from and after the Fifth Day of *July* One thousand eight hundred and forty-three so far as relates to the *Mauritius*, this Act shall come into and be and continue in full Force and Operation for all the Purposes mentioned herein.

Commencement of Act.

Recital of 4 G. 3. c. 15.

II. 'And whereas, under or by virtue of an Act passed in the Fourth Year of His late Majesty King *George* the Third, intituled *An Act for granting certain Duties in the* British *Colonies and Plantations in* America; *for continuing, amending, and making perpetual an Act passed in the Sixth Year of the Reign of His late Majesty King* George *the Second, intituled* "*An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in* America;" *for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expences of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King* Charles *the Second, intituled* "*An Act for the Encouragement of the* Greenland *and* Eastland *Trades, and for the better securing the Plantation Trade;*" *and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and the United Kingdom*, the following Duties are chargeable upon Wines imported into the *British* Possessions in *America*; (that is to say,)

'For every Ton of Wine of the Growth of the *Madeiras*, or of any other Island or Place from whence such Wine may be lawfully imported, and which shall be so imported from such Islands or Places, the Sum of Seven Pounds:

'For every Ton of *Portugal*, *Spanish*, or any other Wine (except *French* Wine), imported from the United Kingdom, the Sum of Ten Shillings:

Recital of 6 G. 3. c. 52.

'And whereas, under or by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing certain Duties in the* British *Colonies and Plantations granted by several Acts of Parliament, and also the Duties imposed by an Act made in the last Session of Parliament upon certain* East India *Goods exported from the United Kingdom, and for granting other Duties instead thereof, and for further encouraging, regulating, and securing several Branches of the Trade of this Kingdom and the* British *Dominions in* America, the following Duties are chargeable

'upon Melsases and Syrups and *British* Pimento imported into the *British* Possessions in *America*;
'(that is to say,)
'For every Gallon of Melasses and Syrups (except as in the same Act is mentioned), One Penny:
'For every Pound Weight Avoirdupois of *British* Pimento (except as in the same Act is mentioned),
'One Halfpenny:

Recital of 14 G. 3. c. 88.

'And whereas, under or by virtue of an Act passed in the Fourteenth Year of the Reign of His late 'Majesty King *George* the Third, intituled *An Act to establish a Fund towards further defraying the* '*Charges of the Administration of Justice and Support of the Civil Government within the Province of* 'Quebec *in* America, the following Duties are chargeable on Brandy, Rum, and Spirits imported into 'any Port of *Canada*; (that is to say,)
'For every Gallon of Brandy or other Spirits of the Manufacture of the United Kingdom, Three-
'pence:
'For every Gallon of Rum or other Spirits which should be imported or brought from any of His
'Majesty's Sugar Colonies in the *West Indies*, Sixpence:
'For every Gallon of Rum or other Spirits which should be imported or brought from any other of
'His Majesty's Colonies or Dominions in *America*, Nine-pence:
'For every Gallon of Foreign Brandy or other Spirits of Foreign Manufacture imported or brought
'from the United Kingdom, One Shilling:
'For every Gallon of Rum or Spirits of the Produce or Manufacture of any of the Colonies or
'Plantations in *America* not in the Possession or under the Dominion of His Majesty, imported
'from any other Place except the United Kingdom, One Shilling:

Repeal of Duties under 4 G. 3. c. 15., 6 G. 3. c. 52., 14 G. 3. c. 88.

'And whereas it is expedient that the several herein-before mentioned Duties imposed by the said Acts 'respectively should be repealed;' be it therefore enacted, That so much of each of the said Three several Acts of His late Majesty King *George* the Third as imposes or authorizes the Charge of the herein-before mentioned Duties upon Wine, Melasses, Pimento, and Spirits respectively, shall be and the same is hereby repealed.

Repeal of Prohibitions established by Possessions Act.

III. 'And whereas by the said Possessions Act it was enacted, that the several Sorts of Goods 'enumerated and described in the Table therein mentioned, denominated "A Table of Prohibitions and 'Restrictions," should be prohibited to be imported or brought either by Sea or inland Navigation into the '*British* Possessions in *America*, or should be so imported or brought only under the Restrictions 'mentioned in such Table, according as the several Sorts of Goods are set forth therein, and that if any 'Goods should be imported or brought into any of the *British* Possessions in *America* contrary to any 'of the Restrictions mentioned in such Table in respect of such Goods, the same should be forfeited; 'and that if the Ship or Vessel in which such Goods should be imported should be of less Burden than 'Seventy Tons, such Ship or Vessel should also be forfeited: And whereas it is expedient that the 'Prohibitions established by the lastly herein-before recited Enactment should be materially modified, 'and that for this Purpose the said Enactment should be repealed, and such Prohibitions should be 'enacted as herein-after are mentioned;' be it therefore enacted, That so much of the said Possessions Act as prohibits the Importation of the Goods enumerated and described in the Table in the said Act contained and herein-before mentioned, and as declares the Forfeiture of such Goods, and of certain Vessels importing the same, as herein-before is mentioned, shall be repealed.

Establishing Prohibitions as per Table.

IV. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by Sea or by inland Carriage or Navigation, into the *British* Possessions in *America* or the *Mauritius*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

GUNPOWDER,
AMMUNITIONS, ARMS, or UTENSILS of WAR,
prohibited to be imported, except from the United Kingdom or from some other *British* Possession.
COFFEE,
SUGAR, not being refined, in Bond in the United Kingdom,
MOLASSES,
RUM,
being the Produce or Manufacture of any *British* Possession within the Limits of the *East India* Company's Charter, except and subject as herein-after is provided, or being of Foreign Produce or Manufacture, prohibited to be imported into any of the *British* Possessions on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), or into the *Mauritius*, except to be warehoused for Exportation only, and may also be prohibited to be imported into the *Bahama* or *Bermuda* Islands by Her Majesty's Order in Council.
BASE or COUNTERFEIT COIN,
BOOKS, such as are prohibited to be imported into the United Kingdom,
prohibited to be imported.

And if any Goods shall be imported or brought into any of the *British* Possessions in *America* or the *Mauritius* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods,

Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burden than Seventy Tons, such Ship or Vessel shall also be forfeited.

Coffee, Sugar, and Rum may be imported into the British Possessions in the West Indies and South America, and the Mauritius, in certain Cases.

V. Provided always, and be it enacted, That it shall be lawful to import into any *British* Possessions in the *West Indies* and *South America*, and into the *Mauritius*, any Coffee the Produce of any *British* Possessions within the Limits of the *East India* Company's Charter, and also any Sugar the Produce of any *British* Possessions within the Limits of the *East India* Company's Charter into which the Importation of Sugar the Produce of any Foreign Country or of any *British* Possession into which Foreign Sugar may be legally imported has been prohibited, and also any Rum the Produce of any *British* Possession within the Limits of the *East India* Company's Charter into which the Importation of Rum the Produce of any Foreign Country or of any *British* Possession into which Foreign Sugar or Rum may be legally imported has been prohibited: Provided nevertheless, that no such Coffee, Sugar, or Rum shall be entered in any *British* Possession in the *West Indies* or *South America*, or in the Island of *Mauritius*, as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter from which the same may be legally imported under the Proviso last aforesaid, unless the Master of the Ship importing the same shall have delivered to the Collector or principal Officer of the Customs at the Port of Importation such Certificate of Origin as herein-after is mentioned, under the Hand and Seal of the proper Officer at the Place where the same shall have been taken on board; and such Master shall also make and subscribe a Declaration before the proper Officer of the Customs that such Certificate was received by him at the Place where such Coffee, Sugar, or Rum was taken on board, and that the Coffee, Sugar, or Rum so imported is the same as is mentioned therein; and such Certificate of Origin shall, as regards Coffee, certify that a Declaration in Writing had been made and signed before the Officer giving such Certificate, the Contents of which he believed to be true, by the Shipper of such Coffee, that the same was really and *bonâ fide* the Produce of some *British* Possession; and such Certificate of Origin shall, as respects Sugar, state the Name of the District in which such Sugar was produced, the Quantity and Quality thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden and the Master thereof, to the Officer giving the same, by the Shipper of such Sugar, and shall likewise certify that there had been produced a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Sugar was produced, that such Sugar was of the Produce of the District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; and such Certificate of Origin shall, as respects Rum, state the Name of the District in which such Rum was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, the Name of the Ship in which they were laden and of the Master thereof, and shall also testify that there had been produced to the Party giving such Certificates, by the Shipper of such Rum, a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum was produced, that the same was the Production of such District.

Repeal of certain Duties imposed by the Possessions Act.

VI. 'And whereas by the said Possessions Act it is enacted, that there shall be raised, levied, collected, 'and paid unto Her Majesty the several Duties of Customs as the same are respectively set forth in 'Figures in the Table of Duties therein-after contained, upon Goods, Wares, and Merchandize imported 'or brought into any of Her Majesty's Possessions in *America*, and in and by the said Table certain 'Articles are therein declared to be exempted from or free of such Duties; and it is by the said Posses-'sions Act provided, that no greater Proportion of the Duties imposed thereby, except as therein excepted, 'shall be charged upon any Article which is subject also to Duty under any of the Acts therein referred 'to, or subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty 'charged by the said Possessions Act should exceed such other Duty or Duties; and it is thereby further 'provided, that the full Amount of the Duties mentioned therein, whether on account of such former Acts 'or on account of such Colonial Law, or on account of the said Possessions Act, shall be levied and 'recovered and received under the Regulations and by the Means and Powers of the said Possessions 'Act: And whereas it is expedient that the said Duties should be repealed, and other Duties substituted 'in lieu thereof;' be it therefore enacted, That the herein-before recited Enactment imposing Duties upon Goods, Wares, and Merchandize imported or brought into any of Her Majesty's Possessions in *America*, and so much of the said Possessions Act as extends any of such Duties to the *Mauritius*, and the said Duties and Exemptions so imposed and established by the said Possessions Act, and the said several Enactments in relation thereto, which are herein-before recited, shall be repealed.

Import Duties imposed.

VII. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty the several Duties of Customs as the same are respectively set forth in Figures in the Table of Duties herein-after contained, upon Goods, Wares, and Merchandize not being the Growth, Production, or Manufacture of the United Kingdom, or of any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of any of the *British* Fisheries, imported or brought into any of the *British* Possessions in *America* or the *Mauritius* by Sea or inland Carriage or Navigation:

TABLE

TABLE OF DUTIES.

		s.	d.
Wheat Flour	the Barrel of 196 lbs.	2	0
Fish of Foreign Taking or Curing — dried or salted	the Cwt.	2	0
Fish of Foreign Taking or Curing — pickled	the Barrel	4	0
Meat salted or cured	the Cwt.	3	0
Butter	"	8	0
Cheese	"	5	0
Coffee	"	5	0
Cocoa	"	1	0
Molasses	"	3	0
Sugar, unrefined	"	5	0
Refined Sugar, the Produce of and refined in Foreign Countries	20 *per Centum ad valorem.*		
Tea, unless imported direct from *China*, or unless imported from the United Kingdom or from any of the *British* Possessions	*per* Pound	0	1
Spirits:			
Rum	*per* Gallon	0	6
Other Spirits and Cordials		1	0
Glass Manufactures Silk Manufactures Spermaceti	15 *per Centum ad valorem.*		
Wine, whether bottled or not Cotton Manufactures Linen - Ditto Woollen Ditto Leather Ditto Paper - Ditto Hardware Clocks and Watches Manufactured Tobacco Soap Candles, other than Spermaceti Corks, Cordage, and Oakum	7 *per Centum ad valorem.*		
Oil, Blubber, Fins, and Skins, the Produce of Fish and Creatures living in the Sea, of Foreign Fishing	15 *per Centum ad valorem.*		
Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions	4 *per Centum ad valorem.*		
And if any of the Goods herein-before proposed to be charged with Duty, except Sugar and Tea, shall be imported through the United Kingdom (having been warehoused therein, and being exported from the Warehouse), or the Duties thereon, if there paid, having been drawn back	Such Goods shall only be charged with Three Fourths of the Duties herein-before proposed.		

TABLE OF EXEMPTIONS.

Coin, Bullion, and Diamonds.
Horses, Mules, Asses, Neat Cattle, and all other Live Stock.
Hay and Straw.
Tallow and Raw Hides.
Salt.
Rice.
Corn and Grain unground.
Biscuit or Bread.
Meal or Flour, except Wheat Flour.
Fresh Meat.
Fresh Fish.
Fruit and Vegetables, fresh.
Carriages of Travellers.
Wood and Lumber.
Cotton Wool.
Hemp, Flax, and Tow.
Drugs.

Gums and Resins.
Tortoise-shell.
Manures of all Kinds.
Herrings, taken and cured by the Inhabitants of the *Isle of Man*, and imported from thence.
Provisions and Stores of every Description, imported or supplied for the Use of Her Majesty's Land and Sea Forces.
All Goods imported from the United Kingdom after having there paid the Duties of Consumption, and imported from thence without Drawback.

Exemptions from Duty.

VIII. And be it enacted, That the Articles enumerated or mentioned in the Table of Exemptions herein-before contained shall be imported without Payment of any Duty under this Act, and also such of the following Articles; (namely,)

Salted or cured Meat,
Flour,
Butter,
Cheese,
Molasses,
Cork-wood,
Cordage,
Oakum,
Pitch,
Tar,
Turpentine,
Leather and Leather-ware,
Fishermen's Clothing and Hosiery,
Fishing Craft, Utensils, Instruments, and Bait,

as shall be imported for the Use of the *British* Fisheries in *America*, into any Place at or from whence any such Fishery is carried on, subject to such Regulations as the Commissioners of Customs, or the principal Officer of Customs at such Place, shall make, and which they and he are hereby empowered to establish, for the Purpose of ascertaining that such Articles are *bonâ fide* intended to be applied to the Use of such Fisheries, or that such Provisions and Stores as aforesaid are *bonâ fide* imported or supplied for the Use of Her Majesty's Land and Sea Forces.

Import Duty on Sugar refined in Bond.

IX. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty a Duty of Ten Pounds for every One hundred Pounds of the Value upon Sugar refined in Bond in the United Kingdom, not being of the Growth of any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, imported or brought into any of the *British* Possessions in *America*, or into the *Mauritius*, by Sea or by inland Carriage or Navigation.

Duties imposed by this Act to be increased in certain Cases, to preserve the same Amount of differential Duty.

X. And be it enacted, That if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon any Articles being the Growth, Produce, or Manufacture of the United Kingdom, or of the *British* Possessions in *America*, or of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of the *British* Fisheries beyond the Duty (if any) chargeable by such Colonial Law upon similar Foreign Articles, the Imperial Duty hereby imposed upon such Foreign Articles shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon similar *British* Articles; and that if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom or any of the *British* Possessions, beyond the Duty (if any) chargeable by such Colonial Law upon Tea not so imported, the Imperial Duty hereby imposed upon Tea not so imported shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom or from any of the *British* Possessions.

Power to Her Majesty, by Order in Council, to exempt certain Articles from Duty.

XI. And be it enacted, That it shall and may be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article with a Duty of Four *per Centum ad valorem*, shall be added to the List of Exemptions herein-before set forth, and shall be free from such Duty, and from and after the Time mentioned in such Order for the Commencement of such Exemption, not being less than Six Months from the Date thereof, such Exemption shall take effect, and such Article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any Time be suspended or revoked by Her Majesty, with the Advice of Her Privy Council, by any other Order in Council.

Duties how to be levied.

XII. And be it enacted, That the Duties imposed by this Act shall be levied and recovered and received under the Regulations and by the Means and Powers of the Possessions Act, except such of the said Regulations as are repealed or altered by this Act.

Currency, Weights, and Measures.

XIII. And be it enacted, That all Sums of Money granted or payable under this Act or under the Possessions Act, as Duties, Penalties, or Forfeitures, in the *British* Possessions in *America* or the *Mauritius*, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken in Sterling Money of *Great Britain*, or in Foreign Coins at such

such Rates as shall be equivalent to Sterling Money of *Great Britain*, and which shall have been fixed by any Proclamation issued by Her Majesty; and that all Duties under this Act shall be paid and received in every Part of the *British* Possessions in *America* and in the *Mauritius* according to the Imperial Weights and Measures now by Law established; and that, in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and that all such Duties shall be under the Management of the Commissioners of the Customs.

Fractional Quantities.

XIV. And be it enacted, That the net Produce of the Duties so received by the Means and Powers of this Act shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.

Net Produce of Duties how to be applied.

XV. And be it enacted, That Goods the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, when imported from such Islands into the *British* Possessions in *America* or the *Mauritius*, shall be admitted to Entry upon Payment of the same Duties as are payable upon the like Goods the Produce or Manufacture of the United Kingdom or of any of the said Possessions, upon Production to the principal Officer of Customs at the Port of Importation of the Proofs now required by Law that such Goods are the Production or Manufacture of the Islands aforesaid.

Goods from the Channel Islands.

XVI. 'And whereas the herein-before recited Provisoes contained in the said Possessions Act, which 'provide that no greater Proportion of the Duties imposed by that Act shall be charged upon any Article 'which is subject also to Duty under any of the Acts therein referred to, and subject also to Duty under 'any Colonial Law, than the Amount, if any, by which the Duty charged by the said Possessions Act 'shall exceed such other Duties, and that the full Amount of the Duties mentioned in the said Possessions 'Act, whether on account of such former Acts, or on account of such Colonial Law, or on account of 'the said Possessions Act, should be levied and recovered and received under the Regulations and by the 'Means and Powers of the said Possessions Act, have been understood and acted on in divers different Senses 'in the several *British* Possessions in *America* and the *Mauritius*, and in some of the aforesaid Possessions 'certain Duties have been imposed by the Colonial Legislatures or other Authorities having the Power 'to impose Duties, which Duties have been expressly directed by the Colonial Acts, or Ordinances 'imposing the same, to be in addition to or over and above the Duties imposed by the said Possessions 'Act, and in these and others of the aforesaid Possessions the Duties respectively imposed upon Articles 'by the said Possessions Act, and by the Colonial Acts and Ordinances in such Possessions, have, 'notwithstanding the aforesaid Provisoes, been collected in full without any such Abatement as in the 'said Provisoes is contemplated: And whereas it is expedient that such Collection in full of the said 'Imperial and Colonial Duties should be held to be good in Law, notwithstanding the aforesaid Provisoes: 'And whereas Doubts have been entertained whether the Duties imposed upon the Importation of 'Goods, Wares, or Merchandize into the *West Indies* by the said Possessions Act are, under the 'Provisions of that Act, leviable upon the like Goods, Wares, and Merchandize imported into the '*Mauritius* from the United Kingdom: And whereas, notwithstanding such Doubts, the aforesaid Duties 'have been levied upon Goods, Wares, and Merchandize so imported into the *Mauritius* from the United 'Kingdom, and it is expedient that the levying of the same should be held good in Law;' be it therefore enacted, That from and after the passing of this Act no personal Action, Suit, or other Proceeding shall be prosecuted or commenced against any Officer of Her Majesty's Customs, or any Officer or other Person authorized by the Legislature or other proper Authorities of any of the aforesaid *British* Possessions, for or in respect of such Officer or Person having levied Duties imposed by the said Possessions Act upon the Importation of any Article in full, without making any Deduction therefrom in respect of Duties imposed by any Colonial Law or Ordinance upon the same Article, or for or in respect of such Officer or other Person having levied Duties imposed upon the Importation of any Article by any Colonial Law or Ordinance in full, without making any Abatement or Deduction therefrom in respect of the Duty imposed by the Possessions Act upon the same Article; and that no personal Action, Suit, or other Proceeding shall be prosecuted or commenced against any Officer of Her Majesty's Customs, or any other Officer or other Person empowered by the proper Authorities to collect Duties in the *Mauritius*, for or in respect of such Officer or other Person having levied the like Duties upon the Importation of any Goods, Wares, or Merchandize into the *Mauritius* from the United Kingdom as are imposed by the said Possessions Act upon the Importation of Goods, Wares, or Merchandize into the *West Indies*; and if any Action or Suit, or other Proceeding whatsoever, shall be prosecuted or commenced against any Officer of Customs, or other Officer or Person as aforesaid, by reason of any thing done as aforesaid, it shall be lawful for the Defendant in any such Action or Suit or other Proceeding as aforesaid to apply to the Court in which such Action shall be brought during the sitting of such Court, or to any Judge of such Court during Vacation, for Stay of Proceedings, and such Court and such Judge respectively shall stay such Proceedings accordingly; and all Payments which may have been made in respect of the Duties so levied in full, or without Abatement or Deduction as aforesaid, or in respect of such Duties so levied upon the Importation of Goods, Wares, and Merchandize into the *Mauritius* as aforesaid, shall be held to have been good, and shall not be recoverable at Law from any Person or Persons who may have received the same.

Collection of Duties in the British Possessions legalized in certain Cases.

Imperial and Colonial Duties to be levied in full in certain British Possessions in America.

XVII. And be it enacted, That in any *British* Possession in *America* in which the Imperial Duties imposed by the said Possessions Act and the Colonial Duties imposed by the Laws of such Possession have both been customarily levied in full without making any Deduction from the Imperial Duties in respect of the Colonial Duties, or from the Colonial Duties in respect of the Imperial Duties, it shall be lawful, from and after the passing of this Act, for the Officers of the Customs and other Officers duly authorized to continue so to levy in full such Imperial and Colonial Duties respectively during the Continuance of the said Possessions Act, any thing in the said Possessions Act contained in anywise notwithstanding.

Act may be amended, &c. this Session.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. L.

3 & 4 Vict. c. 89.

An Act to continue, until the First Day of *October* One thousand eight hundred and forty-three, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

[16th *July* 1842.]

CAP. LI.

An Act for providing for the further Security and Protection of Her Majesty's Person.

[16th *July* 1842.]

39 & 40 G. 3. c. 93.

'WHEREAS it is expedient that the Provisions contained in the Act of the Thirty-ninth and 'Fortieth Years of His late Majesty King *George* the Third, intituled *An Act to regulate Trials* '*for High Treason and Misprision of Treason in certain Cases*, should be extended to all Cases of High 'Treason, in compassing or imagining the Death or Destruction of the Queen, or in compassing or 'imagining any bodily Harm tending to the Death or Destruction, maiming or wounding, of the Queen, 'and of Misprision of such Treason, when the overt Act or overt Acts of such Treason alleged in the 'Indictment shall be any Attempt to injure in any Manner whatsoever the Person of the Queen: And 'whereas it is also expedient to make further Provision by Law for the Protection and Security of the 'Person of the Sovereign of these Realms:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Cases of High Treason, in compassing or imagining any bodily Harm tending to the Death or Destruction, maiming or wounding, of the Queen, and in all Cases of Misprision of any such Treason, where the overt Act or overt Acts of such Treason alleged in the Indictment shall be any Attempt to injure in any Manner whatsoever the Person of the Queen, the Person or Persons charged with such Offence shall and may be indicted, arraigned, tried, and attainted in the same Manner, and according to the same Course and Order of Trial, in every respect, and upon the like Evidence, as if such Persons stood charged with Murder; and none of the Provisions contained in the several Acts of the Seventh Year of King *William* the Third, and the Seventh Year of Queen *Anne*, and the Sixth Year of King *George* the Fourth, respectively, touching Trials in Cases of Treason and Misprision of Treason respectively, shall extend to any Indictment for High Treason in compassing or imagining the Death or Destruction of the Queen, or to any Indictment for High Treason in compassing and imagining any bodily Harm tending to the Death or Destruction, maiming or wounding, of the Queen, or for Misprision of such Treason, where the overt Act or Acts of such Treason alleged in the Indictment shall be such as aforesaid; but, upon Conviction upon such Indictment, Judgment shall be nevertheless given and Execution done as in other Cases of High Treason; any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings against Persons guilty of Attempt against the Person of the Sovereign.

Punishment for discharging or aiming Fire-arms, or throwing or using any offensive Matter or Weapon, with Intent to injure or alarm Her Majesty.

II. And be it enacted, That from and after the passing of this Act, if any Person shall wilfully discharge or attempt to discharge, or point, aim, or present at or near to the Person of the Queen, any Gun, Pistol, or any other Description of Fire-arms or of other Arms whatsoever, whether the same shall or shall not contain any explosive or destructive Material, or shall discharge or cause to be discharged, or attempt to discharge or cause to be discharged, any explosive Substance or Material near to the Person of the Queen, or if any Person shall wilfully strike or strike at, or attempt to strike or to strike at, the Person of the Queen, with any offensive Weapon, or in any other Manner whatsoever, or if any Person shall wilfully throw or attempt to throw any Substance, Matter, or Thing whatsoever at or upon the Person of the Queen, with Intent in any of the Cases aforesaid to injure the Person of the Queen, or with Intent in any of the Cases aforesaid to break the public Peace, or whereby the public Peace may be endangered, or with Intent in any of the Cases aforesaid to alarm Her Majesty, or if any Person shall, near to the Person of the Queen, wilfully produce or have any Gun, Pistol, or any other Description of Fire-arms or other Arms whatsoever, or any explosive, destructive, or dangerous Matter or Thing whatsoever, with Intent to use the same to injure the Person of the Queen, or to alarm Her Majesty, every such Person so offending shall be guilty of a High Misdemeanor, and, being convicted thereof in due Course of Law, shall be liable, at the Discretion of the Court before which the said Person shall be so convicted, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, for any Period not exceeding Three Years, and during the Period of such Imprisonment

ment to be publicly or privately whipped, as often and in such Manner and Form as the said Court shall order and direct, not exceeding Thrice.

III. Provided always, and be it enacted, That nothing herein contained shall be deemed to alter in any respect the Punishment which by Law may now be inflicted upon Persons guilty of High Treason or Misprision of Treason. Not to alter the Punishment for High Treason.

CAP. LII.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Sudbury* from sending Burgesses to serve in Parliament. [16th *July* 1842.]

'WHEREAS the Commons of *Great Britain* and *Ireland* in Parliament assembled have passed a Bill intituled *An Act to exclude the Borough of* Sudbury *from sending Burgesses to serve in Parliament:* And whereas it is alleged that there has been open, general, and systematic Bribery and Corruption at the last Election of Burgesses to serve in Parliament for the Borough of *Sudbury:* And whereas it may be desirable to examine as Witnesses at the Bar, or before a Select Committee of the Lords Spiritual and Temporal, several Persons, in respect of such alleged Bribery and Corruption, and in respect of Bribery and Corruption practised at former Elections in the said Borough, and the Evidence of such Persons may tend to expose them to penal Consequences: And whereas it is expedient to indemnify such Persons, upon their making such true and faithful Disclosure and Discovery as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the more effectually prosecuting the said Inquiry, every Person who may have been implicated or engaged in such alleged Bribery and Corruption at or connected with any Election of Members to serve in Parliament for the said Borough of *Sudbury,* and who shall be examined as Witnesses or a Witness at the Bar, or before any Select Committee of the Lords Spiritual and Temporal, touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Discovery and Disclosure, to the best of his or her Knowledge, touching all Acts, Matters, and Things to which he or she shall be so examined, shall be and he and she is hereby freed, indemnified, and discharged of, from, and against all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption. All Persons implicated in Bribery at Election of Members for Sudbury, who may be examined before the House of Lords, and shall make a faithful Disclosure, indemnified.

II. Provided also, and be it further enacted, That where any Witness shall be examined before the House of Lords, or any Committee of the said House, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor a Certificate in Writing, stating that such Witness has, upon his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined, which said Certificates the Lord Chancellor is hereby authorized to give; and if any Action, Information, or Indictment shall at any Time be pending in any Court, for Bribery at any former Election for the Borough of *Sudbury,* against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment. Witnesses examined before the House of Lords, or any Committee thereof, not to be indemnified unless they shall have a Certificate from the Lord Chancellor.

CAP. LIII.

An Act to encourage the Establishment of District Courts and Prisons. [30th *July* 1842.]

'WHEREAS a good System of Prison Discipline can be carried into effect most easily and at the least Cost by the Establishment of large Prisons; and it is expedient to encourage the building of District Prisons, for the common Use of One or more Boroughs and any adjacent District of a County:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices of the Peace of any County, and for the Mayor, Aldermen, and Burgesses of any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that Act, or of any Act passed for the Amendment thereof, to agree, by their Council, jointly or severally, with the Justices of the Peace of any One or more Counties, or with the Mayor, Aldermen, and Burgesses of any One or more such Boroughs by their Councils respectively, for the Contribution and Payment of any Sum of Money by either or any of the Parties to any such Agreement towards altering, enlarging, building, rebuilding, repairing, or improving any Prison to be used as a District Prison under the Provisions herein-after contained, and toward the Expences of the Maintenance, safe Custody, and Punishment of the Offenders committed thereunto, including their Committal, Prosecution, and Conveyance to and from Prison, and toward the Expences of providing and maintaining a Court House and necessary Buildings, and defraying the other Charges of the Justices of any County, and of any Borough within the Provisions of *5 & 6* W. 4. c. 76., may agree with other Justices for building or enlarging Prisons, to be used as District Prisons.

the Court at which they shall be tried, including all Salaries to be paid by either or any of the contracting Parties; and it shall be lawful for any Justice of the Peace acting within his Jurisdiction for any County or Borough which is one of the Parties to the Agreement to commit to such Prison all Persons who shall be by Law liable to be committed to Prison for any Act or Omission done or omitted, or charged to be done or omitted, within the District set out or any Borough specified in the Agreement; and every Person committed to any such Prison may be tried, sentenced, and punished in like Manner as if such Prison were a Gaol belonging to the County or Borough from which such Person was committed; and all the Provisions of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in* England *and* Wales, as amended by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in certain Boroughs*, shall extend, as nearly as may be, to all such Agreements, and to the Trial and Punishment of such Offenders, and to all Acts necessary for such Trial, or consequent thereon, subject to the Provisions herein-after contained.

Justices may commit alleged Offenders to such Prisons.

5 G. 4. c. 85.

6&7 W. 4. c. 105.

II. And be it enacted, That so much of any Act as enacts that any such Agreement shall be made by the Council of any Borough at a quarterly Meeting of the Council shall be repealed: Provided always, that nothing in this Act shall affect any Contract entered into before the passing of this Act between any Justices and the Council of any Borough.

Repeal as to Agreements at quarterly Meetings of Council.

III. And be it enacted, That all Monies to be paid under any Agreement authorized by this Act, for building, rebuilding, repairing, or enlarging any Gaol, House of Correction, Court House, or other necessary Buildings as aforesaid, shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by any Justices, or by the Council of any Borough, for building, rebuilding, or enlarging any Gaol or House of Correction under their Management respectively; and all Monies to be paid toward the current annual Expences of such Gaol, House of Correction, Court House, or other necessary Buildings as aforesaid, and toward defraying all other Charges incurred by the contracting Parties, or either or any of them, in carrying such Agreement into effect, shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by the Justices of any County, or the Council of any Borough, for defraying the ordinary current Expenditure of their several Gaols and Houses of Correction.

Monies to be raised as other Monies for like Purposes.

IV. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, due Notice having been previously given according to the Practice of the said Sessions, to take into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties aforesaid, and, if the Justices then and there assembled shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for the said County to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid, for the Purposes aforesaid, and from Time to Time, at such Quarter Sessions, or at any Adjournment thereof, to fill up any Vacancy in the said Committee by Death, Resignation, or otherwise; and every Justice so appointed shall continue to be a Member of the said Committee for the Period herein-after specified, provided that he so long continue a Justice of the Peace for such County.

Justices in Quarter Sessions may appoint a Committee of Justices to make such Agreements.

V. And be it enacted, That it shall be lawful for the Council of any such Borough, at a Special Meeting to be called for that Purpose, to take into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties as aforesaid, and, if the Council shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for such Borough to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at a quarterly Meeting of the Council to fill up any Vacancy in the Committee by Death or Resignation or otherwise; and every Justice so appointed shall continue to be a Member of such Committee for the Period herein-after specified, provided that he shall so long continue a Justice of the Peace for such Borough.

Councils of Boroughs may appoint a Committee of Justices to make such Agreements.

VI. And be it enacted, That the Committees so appointed shall be deemed to represent severally each of the contracting Parties, and shall meet forthwith and form One joint Committee for the Despatch of Business, and, due Consideration being had of the relative Position of the Parties, the Population, the Amount of Crime, the Distance from any existing Gaol, and all other Matters bearing upon the Subject of Inquiry, shall set out the District or Districts of such County or Counties which it would be in their Judgment expedient to unite together, or to any One or more such Boroughs, for all or any of the Purposes of this Act, and shall draw up an Agreement touching the same, which shall distinctly set forth the Extent to which the contracting Parties intend to carry into execution the Purposes aforesaid, or any of them, which Agreement, when subscribed by the greater Number of the Justices severally representing each of the contracting Parties, and approved and confirmed as herein-after directed, shall be binding upon all the said Parties to all Intents and Purposes.

Committees to unite to form One Committee.

VII. And be it enacted, That every such Agreement shall specify the Place where such Prison and other Buildings are or are to be situated, and the District of the County or Counties which it shall be proposed to unite with any other similar District, or with any One or more Boroughs, for the Purposes of this Act, the Limits of such District being defined, and the Area and Population of the same, as well as of the several Boroughs, being set forth as well as the same may be known; and such Agreement shall further specify the Number of Prisoners for which it is proposed that Accommodation should be provided, distinguishing between the Numbers to be provided for in the Common Gaol, in the Debtors Ward, and in

Certain Particulars to be stated in the Agreement.

in the House of Correction respectively; and such Agreement shall further specify the Proportion in which the Expences of purchasing the Site, and of building, finishing, and fitting such Prison and such other Buildings (if requisite), or of rebuilding or enlarging any such Prison or Buildings, as the same may be, shall be borne by each of the contracting Parties.

Further Particulars, of current Expenditure, to be stated.

VIII. And be it enacted, That such Agreement shall further state the Amount of Salaries proposed to be paid annually to the Governor, Chaplain, and Assistant Chaplain or Assistant Chaplains, or Medical Officers, Matron, and such other Officers and Assistants as may be therein specified; and such Agreement may further state the Sum (over and above the Outlay for ordinary Repairs and Expenditure) which the Committee will recommend that the contracting Parties should put annually at the Disposal of the Committee, as a Reserve Fund for internal Improvements, or to meet extraordinary Emergencies; and such Agreement shall further state the Proportion in which such Salaries, such Reserve Fund, and such Expences as may be incurred in respect of the ordinary Repairs of the said Prisons and other Buildings, and the Government and Discipline of the said Prison, the Maintenance, Management, and Custody of Prisoners, and all other ordinary and current Expences of the said Prison, shall be apportioned on each of the contracting Parties, also the Period of Time, not less than Three Years, for which the first Agreement for this last-mentioned Proportion shall endure: Provided always, that at the Expiration of such Period the Agreement shall nevertheless continue in force until altered and renewed upon such Terms and in such Manner as is herein-after directed.

Agreements to be approved by the Justices and Councils separately, and confirmed by Her Majesty.

IX. And be it enacted, That wherever any Agreement shall have been so entered into and signed, the Joint Committee shall report the Agreement for Approval to the General or Quarter Session of the Peace of every such County holden next after the making thereof, and to a Special Meeting of the Council of every such Borough to be convened for the Purpose, and shall deliver to the Court and Council respectively a Duplicate of the Agreement, to be filed by the Clerk of the Peace and by the Town Clerk of each of the said Parties respectively, to be by them kept with the Records of the several Parties aforesaid: Provided always, that no such Agreement shall be valid until the same shall have been approved by the said several Parties in manner aforesaid, and until the same shall have been confirmed by Her Majesty as herein-after directed: Provided also, that if such Agreement be not so approved it shall be lawful for the said contracting Parties severally to refer the same back for Re-consideration to the said Joint Committee, after which the same shall be again reported, until finally approved and confirmed as aforesaid, or until any of the Parties shall break off the Agreement.

If not approved, to be referred back to Joint Committee.

Agreements to be laid before Secretary of State, to set forth Salary to Recorders for any additional Duties imposed, and if confirmed by Order in Council Prison to be thenceforth used as a Common Gaol.

X. And be it enacted, That each of the said Parties shall forthwith cause such Agreement, if by them approved, to be laid before One of Her Majesty's Principal Secretaries of State; and in all Cases in which the Prisoners, or any Part thereof, committed to the said Prison, are to be sent for Trial before the Recorder of any Borough, such Borough being one of the contracting Parties, the Agreement shall also set forth the Sum which, in the Judgment of the Joint Committee, ought to be paid by every such County to the Recorder as an additional Salary in respect of the additional Duties thereby imposed on him; and the Justices of the said County, if the Agreement shall be approved by them, shall forthwith cause an Undertaking on the Part of the said County to pay the same to the Recorder in that Behalf, to be laid, with such Agreement, before the Secretary of State; and it shall be lawful for Her Majesty, if She shall think fit, by the Advice of Her Privy Council, to approve and confirm such Agreement by Order in Council, and to appoint that such Prison, when certified by One of Her Majesty's Principal Secretaries of State as fit for the Reception of Prisoners, shall thenceforth be used as a Common Gaol for such Debtors as shall have been in the said Agreement specified, and as a Common Gaol and House of Correction for Persons duly confined therein in respect of any Offence committed within such District or Borough aforesaid.

Joint Committee to re-assemble for carrying the Purposes of the Agreement into execution.

XI. And be it enacted, That as soon as any such Agreement shall have been approved by all the contracting Parties, and confirmed by Her Majesty, with the Advice aforesaid, the said Joint Committee shall re-assemble forthwith for the Purpose of carrying the said Agreement into execution, and shall elect a Chairman, who in all Cases of an Equality of Voices shall have a casting Vote, and shall make Regulations with respect to their future Meetings, and the Mode of convening the same, and shall appoint a fit Person to act as Clerk to the said Committee, and shall fix the Salary of the said Clerk, such Salary, until the First Meeting of the Court of Gaol Session herein-after provided, to be paid out of and to be reckoned Part of the Capital provided for building, rebuilding, or enlarging the Prison, and afterwards to be paid and reckoned as Part of the current Expenditure; provided always, that such Salary shall in no Case exceed the Sum by the said Agreement fixed as the Salary of the Clerk of Gaol Sessions: Provided also, that it shall not be lawful for such Committee to do any Act unless there shall be present at such Meeting at least One Justice representing each of the contracting Parties.

Proviso.

Powers of Joint Committee with respect to purchasing Lands, &c.

XII. And be it enacted, That all Powers given by the said recited Acts of the Fourth Year and Fifth Year of the Reign of King *George* the Fourth, for purchasing, selling, conveying, and taking Lands and other Premises for the Purposes therein specified, and for ascertaining the Value, and for the Conveyance, and for the Application of the Compensation for the same, and all other Provisions of the said Acts relating thereunto, shall, as far as may not be inconsistent with the Provisions of this Act, extend to all Purchases to be made under and by virtue of the same; and all Things by either of the said last-recited Acts directed to be done at any General or Quarter Session of the Peace, in relation to any of the Matters herein-before last mentioned, may be done, in respect of any Purchases to be made under or by virtue of this Act, by the said Joint Committee, at Special Meetings to be called for the Purpose, subject to the Provisions of this Act; and all Powers which the Justices of any County possess by virtue of

of the said last-recited Acts, or by any other Act relating to any of the Matters aforesaid, may, in respect of the like Matters in relation to the said Prison, be exercised by the Justices constituting such Committee, in the same Manner and with the same Authority as if the said last-mentioned Justices were empowered to act generally in the Commission of the Peace for the County or Borough in which such Powers may be required.

Committee to make Contracts, and Plans and Estimates to be submitted for Approval.

XIII. And be it enacted, That the said Committee shall contract with proper Persons for the Execution of such Works as aforesaid, and shall superintend the due Performance of the same: Provided always, that before any such Works shall be begun, or any Contract finally made for executing the same, the Plan of such Works, together with the Estimates of the Expence of completing the same, shall be submitted by the Committee to the several contracting Parties, and also to One of Her Majesty's Principal Secretaries of State, and shall have been approved by the several Parties in General or Quarter Session, or in Special Council, and by the Secretary of State.

Accounts to be audited.

XIV. And be it enacted, That the Expences of purchasing the said Land or other Premises, and of executing such Works as aforesaid, shall be from Time to Time rendered in Account by the said Committee, and shall be duly audited and certified to the several contracting Parties in General or Quarter Session, or in Special Council, by such Auditor or Auditors as shall be for that Purpose appointed by the several contracting Parties.

Appointment of Officers.

XV. And be it enacted, That the said Committee shall appoint for the said Prison a Governor, a Chaplain, being a Clergyman in Priest's Orders not having any other Cure of Souls, also an Assistant Chaplain or Assistant Chaplains if it shall be so provided in the original Agreement, a Surgeon or Medical Officer, a Matron, and such other Officers, Assistants, and Servants as may be necessary for the Service and Discipline of the said Prison, and may suspend or dismiss all or any of them, and, in all those Cases in which the Salaries to be paid to any of the said Officers of the Prison shall not have been fixed by the Agreement, shall fix the same as shall seem best in their Discretion.

Certificate of Completion of Prison to be sent to the Secretary of State; who may direct the Prison to be thenceforth used as a Prison under this Act.

XVI. And be it enacted, That when any Prison, or a sufficient Part thereof, shall have been fitted and completed for the Reception of Prisoners, and proper Officers shall have been appointed for the Management thereof, the Committee shall certify, by Writing under the Hands of Three or more of them, to One of Her Majesty's Principal Secretaries of State, that such Prison, or a sufficient Part thereof, is so fitted and completed, and that such Officers have been appointed; and upon such Certificate it shall be lawful for the said Secretary, by an Order in Writing addressed to the several Clerks of the Peace of every County and of every Borough, being one of the contracting Parties, and to the Clerk of the said Committee, to direct that the Prison may thenceforth be used as a Prison under this Act, and that all such Debtors as are specified in the said Agreement, and all Prisoners at that Time confined in the Common Gaol or House of Correction of any Borough, being one of the contracting Parties, may (if requisite) be forthwith removed by the Keeper of such Gaol or House of Correction to the said Prison; and all Prisoners who, if originally committed to the said Prison, might have been tried and sentenced at the Sessions for any such Borough, under the Provisions of this Act, may be removed from any Gaol in which they may be then confined to the said Prison, for the Purpose of such Trial and such Sentence as aforesaid.

Committee to hold a Gaol Session.

XVII. And be it enacted, That the Justices constituting such Joint Committee shall from Time to Time hold a Court of Gaol Sessions for every such Prison, and such Court shall possess and exercise all the Powers and Authority respecting such Prison, and all Matters relating thereto, which by any Act are vested in the Court of General or Quarter Sessions of the Peace for any County with respect to any Gaol or House of Correction belonging to such County; and where by any Act any thing is ordered to be done at any General or Quarter Session, or at an Adjournment thereof, respecting any Gaol or House of Correction therein specified, then such Things may be done with respect to such Prison at such Gaol Session, or at any Adjournment thereof, or at One or more subsequent Gaol Sessions, in such Ways and with such public Notices as in the said Acts they are ordered or directed to be done by the General or Quarter Sessions, or at an Adjournment thereof: Provided always, that nothing herein contained shall be deemed to authorize any such Court of Gaol Sessions, or such Justices of the Peace, to do any Act or make any Order touching the building, rebuilding, enlarging, or altering such Prison, or the borrowing or the levying of any Sum of Money by Rate or otherwise, the granting of any Annuity, or fixing any Salaries, or the creating any Offices, except as to all the above specified Matters in such Cases as are herein especially provided for, or to exercise any Authority whatever in the Government or Management of the said Prison contrary to the Provisions of this Act.

Prison for the Purposes of Jurisdiction deemed within both County and Borough.

XVIII. And be it enacted, That in the Case of every Prison built, rebuilt, or enlarged in pursuance of any such Agreement, such Prison and Place in which the Court of Gaol Sessions shall be holden as herein provided shall, for all Purposes relative to the Jurisdiction of such Gaol Sessions, and of the Justices of the Peace empowered to act in the Government of the said Prison, be deemed to be within the County and Borough to which the ordinary Powers of such Justices respectively extend.

Clerk to summon the First Gaol Session.

XIX. And be it enacted, That as soon as the Clerk of the said Committee shall have received the Order in Writing of the Secretary of State as aforesaid, he shall summon the Members of the Committee to meet in Gaol Session, as soon as conveniently may be, at some Place in or near to such Prison, and the Clerk of the said Committee shall act as Clerk of the Court of Gaol Sessions.

Gaol Sessions to be holden when sum-

XX. And be it enacted, That the Clerk of the Gaol Sessions, on receiving a Precept commanding him so to do, signed by any Two of the said Committee, shall summon the Committee to meet in a Court of Gaol Sessions, by a Notice to be published at least twice in some public Newspaper usually circulated throughout

throughout the District in which such Prison shall be situated, and also by Notice in Writing to be sent to each Member of the Committee, which Notice shall declare the Day, Hour, and Place at which such Court is to be holden; and if the Court of Gaol Sessions shall be dissolved without Adjournment, or shall adjourn for a longer Time than Three Calendar Months, the Clerk shall, by a like Notice to be issued of his proper Authority without any Precept in that Behalf, summon a Court of Gaol Sessions to be holden within Three Calendar Months next after such Dissolution or last Adjournment.

moned by Two of the Committee.

XXI. And be it enacted, That at every such Court of Gaol Sessions the Justices therein assembled shall appoint the Place for holding the Gaol Session then next ensuing, and in case of no such Appointment having been made, the Session then next ensuing shall be holden at the same Place as the Session last immediately preceding, but no such Session shall be holden at a greater Distance than One Mile from the said Prison.

Justices to appoint the Place for holding Gaol Sessions.

XXII. And be it enacted, That at the first Court of Gaol Sessions to be holden as aforesaid, and at some ensuing Court of Gaol Sessions, once at least in every Quarter of a Year, the said Committee shall nominate for each of the contracting Parties One Justice who shall consent thereunto, being a Justice acting for the County or Borough for which he is appointed, and, if a County Justice, residing within the District set out in the Agreement aforesaid, and the Justices so appointed shall be Visitors of such Prison; and the Committee shall report the Names and Places of Abode of such Visiting Justices to One of Her Majesty's Principal Secretaries of State; and such Visiting Justices shall discharge the same Duties and exercise the same Power and Authority in respect of such Prison, and all Matters relating thereto, as may now be discharged or executed by any Visiting Justices appointed in respect of the Gaol of any County, save that, instead of reporting to the General Quarter Sessions of the Peace, they shall report to the Court of Gaol Sessions aforesaid.

Visiting Justices to be appointed.

XXIII. And be it enacted, That the said Committee shall appoint a Treasurer, who shall not be the Clerk of the Committee; and the Treasurer shall receive and pay all Monies to be received by or to be disbursed by Order of the Committee, either in building, rebuilding, or enlarging the Prison, or when sitting as a Court of Gaol Sessions, and shall give Discharges for the Monies received, and apply the same as by the said Committee shall be directed, and shall keep a distinct Account of such Monies received and paid, and shall from Time to Time, when called upon by the said Committee, account, upon Oath if required, for all Monies so by him received, and deliver in all Vouchers respecting the same; and such Treasurer shall give such Security for faithful Performance of his Duty as the Committee shall direct, and shall receive such Salary as shall be directed in the Agreement, or, in default thereof, as the Committee shall direct.

Treasurer to be appointed.

XXIV. And be it enacted, That the Accounts kept by the said Treasurer, and all other Accounts relating to the said Prison, except such as are herein otherwise provided for, shall, together with all Receipts and Vouchers for the same, be examined from Time to Time by the said Committee, and shall be verified, on Oath if required, by the several Parties keeping and rendering the same, and, if duly allowed by the said Committee, shall be signed by the Chairman; and the said Committee shall cause a Balance Sheet, setting forth the current Expenditure incurred in respect of the said Prison, and all other Matters authorized by the original Agreement between the Parties and by the Provisions of this Act, to be made out once in every Quarter of a Year; and the Clerk of such Gaol Sessions shall cause a Copy of the said Balance Sheet, signed by the Chairman of the Committee, to be forthwith sent to the Clerk of the Peace of every County, and to the Town Clerk of every Borough, being one of the contracting Parties; and every such Clerk of the Peace and Town Clerk shall cause the same to be laid before the then next ensuing General or Quarter Sessions of the Peace for the said County and the then next ensuing Quarterly Meeting of the Council of the Borough; and such Balance Sheets, having been so submitted for Inspection, shall be filed amongst their respective Records by every such Clerk of the Peace and Town Clerk respectively.

Accounts to be examined by Committee and signed by by Chairman; Balance Sheet to be made out; Copy thereof to be laid before Quarter Sessions and Council.

XXV. And be it enacted, That the Committee from Time to Time shall estimate, as correctly as may be, what Sum of Money will be required for Payment of the Expences then already incurred or to be incurred in carrying into effect the Provisions of this Act, and shall make an Order accordingly; and their Clerk shall forthwith send a Copy of such Order, signed by the Chairman, mentioning the Sum of Money to be paid by virtue thereof, according to the Proportions defined by the Agreement then in force, by each County or Borough, being severally contracting Parties as aforesaid, to the Treasurers of the said Parties respectively, which Treasurers shall forthwith, out of the Monies in their Hands, or if those Monies shall be insufficient, then so soon as sufficient Monies shall come to their Hands, pay the Sum required to the Treasurer of the said Committee, and take his Receipt for the same, and the Receipt of the Treasurer of the said Committee shall be a sufficient Discharge to the Treasurer of such County or Borough respectively.

Orders for Money.

XXVI. And be it enacted, That it shall be lawful for the Justices of the Peace of any County, and for the Council of any Borough being Parties so contracting as aforesaid, by their several Committees appointed by them in General or Quarter Session or Quarterly Meeting respectively for that Purpose, to inspect at the said Prison all Books, Papers, Accounts, Vouchers, and other Documents relating to the Prison, and to the Government and Management thereof.

Justices and Council may appoint Committees to inspect Prisons.

XXVII. And be it enacted, That all Reports and Statements directed by the said recited Acts of the Fourth Year and Fifth Year of the Reign of King *George* the Fourth to be made to the General or Quarter Sessions shall be transmitted, on or before the First Days of *January*, *April*, *July*, and *October*, to the

Reports to the Gaol Sessions.

Clerk of the said Gaol Sessions, and be by him laid before the Court at the Gaol Session then next ensuing.

Proceedings to be notified to Secretary of State.

XXVIII. And be it enacted, That the Chairman of every Court of Gaol Sessions holden next after the First Day of *October* in each Year shall, within Fourteen Days after the Determination of such Sessions, or any Adjournment thereof, send to One of Her Majesty's Principal Secretaries of State such Account of Proceedings, and such Copies of Rules and Regulations, as in and by the said last-mentioned Acts are ordered to be transmitted by the Chairman of the *Michaelmas* Quarter Sessions, and shall at the same Time, or within Three Calendar Months afterwards, transmit such Plans as in the said Acts are mentioned.

Reports and Returns to be made as in other Prisons.

XXIX. And be it enacted, That the Return by any Statute at any Time in force directed to be made by the Keeper of every County Prison shall be made by the Governor of every Prison built, rebuilt, or enlarged under any Agreement authorized by this Act, and shall be delivered to the Clerk of the said Gaol Sessions Two Weeks at least before the First Day of *October* in each Year; and such Clerk shall, on the said First Day of *October*, prepare a General Report, founded on the Report of the Visiting Justices and of the Chaplain, and on the Certificates and Reports of the Governor and other Officers of the said Prison, and on any other Report or Document respecting the said Prison, and shall lay the same before the next Court of Gaol Sessions; and such Report, when approved by such Court, shall be signed by the Chairman thereof; and the said Clerk of Gaol Sessions shall forthwith cause true Copies thereof, and of the said Return, to be made, and shall send forthwith a Copy of each to the Clerk of the Peace of every contracting Party, whether County or Borough, to be by such Clerk of the Peace laid before the next Court of Quarter Sessions of the Peace holden for their County or Borough, and shall send like Copies to the Town Clerk of every Borough, being a contracting Party, to be by him laid before the next Meeting of the Council, and shall also send like Copies to One of Her Majesty's Principal Secretaries of State.

Penalties for Offences respecting the Prison.

XXX. And be it enacted, That if any thing be done respecting any Prison built, rebuilt, or enlarged under any Agreement made by Authority of this Act, for which any Fine, Penalty, or Forfeiture would have been incurred under the last-recited Acts or either of them if done respecting any Gaol or House of Correction to which such Acts or either of them extend, and would by virtue thereof have been payable to the County Treasurer, all Forfeitures, Fines, and Penalties for such Matter or Thing, when done respecting such Prison, shall be paid to the Treasurer of the Gaol Sessions for the Purposes of defraying the Expences of the said Prison.

Revision of Agreement.

XXXI. And be it enacted, That on the Termination of the Time limited by the Agreement touching the Proportion to be contributed by each of the contracting Parties towards the current annual Expenditure aforesaid, as fixed by the original Agreement aforesaid, the Committees representing the several contracting Parties, and jointly constituting the Joint Committee, may severally proceed to propose such revised Proportion to the Court of Gaol Sessions, and also the Period, being not less than Seven Years, for which such revised Proportion shall endure, and the Court of Gaol Sessions shall take every such Proposal into consideration: Provided always, that no such Proposal shall be made unless the Intention of proposing such Alteration shall be expressed in the Notice whereby the said Court is summoned, and unless such Notice shall be published for One Calendar Month at least before the holding of the Court at which such Alteration shall be so taken into consideration.

Disputes to be settled by Arbitration.

XXXII. And be it enacted, That when the Court of Gaol Sessions shall resolve that any such Alteration ought to be made, or shall not adopt a Proposal for making any such Alteration, and any of the contracting Parties shall be dissatisfied with such Resolution, it shall be lawful for the Clerk of the Peace of any County, and for the Town Clerk of any Borough, such County or Borough being One of the Parties so contracting, and such Clerk being thereunto authorized respectively by an Order from the Court of Quarter Sessions of such County, or from the Town Council of such Borough in Special Council assembled, as herein-before provided, to apply to One of the Prison Inspectors appointed by the Secretary of State to visit that Prison; and such Inspector shall have Power to arbitrate between the said Parties; and the said Arbitrator shall summon the several Clerks of the Peace and the Town Clerks of the several Parties so contracting as aforesaid, the Clerk of such Gaol Sessions, the Governor of the said Prison, and such other Persons as he may require, to appear before him at a Time to be by him appointed, and there to give Evidence on Oath, which such Arbitrator shall be empowered to administer, and to produce all Information touching the Matter in dispute; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matters in dispute, and his Award shall be final and conclusive between the Parties for Seven Years, and until a Proposal for further Revision shall be made after the End of such Term of Seven Years as aforesaid; and such Arbitrators shall assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Committee may recommend Alterations.

XXXIII. And be it enacted, That if it shall at any Time appear to the said Committee that the said Prison or other Buildings should be rebuilt or enlarged, or undergo such Alterations as do not come within the Description of ordinary Arrangement or ordinary Repair, or that it may be desirable to increase or reduce any of the Salaries set forth in the existing Agreement, or to grant any Annuity to a retired Officer of the Establishment, or to make any other special Provision in furtherance of the Objects of this Act, it shall be lawful for the said Committee to make a special Report thereon to each of the Parties so contracting as aforesaid, to be laid before the Justices in Quarter Session and before the Council

Council of the Borough respectively; and if on taking the same into consideration, with due Notice thereof, as is required upon making the first Agreement, such Report be approved by the contracting Parties, it shall be lawful for such Parties to direct the said Committee to draw up the necessary Agreement, and upon the Approval and Confirmation of such Agreement, in the same Manner as upon making the first Agreement, to carry into execution such Matters as shall have been mutually agreed on, in the same Manner, and with the same Powers, and subject to the same Provisions as in the first building, rebuilding, or enlarging such Prison or other Buildings, as herein-before specified.

Committee to be re-elected every Year.

XXXIV. And be it enacted, That on the Ninth Day of *November* next after the Completion of Twelve Calendar Months from the Day of holding the first Court of Gaol Sessions as aforesaid, and on the Ninth Day of *November* in every succeeding Year, the Committee constituting such Court of Gaol Sessions shall go out of Office; and the Justices of every County, being a Party so contracting as aforesaid, shall at the Court of Quarter Sessions next immediately preceding the said Ninth Day of *November*, and the Town Council of every Borough, being a Party so contracting, shall, at the quarterly Meeting of the Council to be holden on the said Ninth Day of *November*, appoint fit Persons to perform the Duties of such Committee; and such Appointment shall be made from amongst the like Persons and in the same Manner, and subject to the like Conditions, as are herein-before provided for the first Appointment of the said Committee: Provided always, that any Member of the said Committee so going out of Office shall be capable forthwith of being re-appointed if then duly qualified.

Sale of old Prisons.

7 G. 4. c. 18.

XXXV. 'And whereas by the said recited Act of the Fourth Year of King *George* the Fourth Provision was made for the Sale, in certain Cases, of the Sites of old Prisons no longer necessary: And whereas by an Act passed in the Seventh Year of King *George* the Fourth, intituled *An Act for the Disposal of unnecessary Prisons in* England, Provision was made for extending the same Power to other Cases;' be it enacted, That all the Powers contained in the Two last-recited Acts touching such Sale, and such other Matters relating thereunto as are therein specified, shall be vested in the several Councils of the Boroughs, being contracting Parties to any such Agreement as aforesaid, in respect to the Sale of any similar Property in such Boroughs, and to any other Matters relating thereunto; and all Acts directed in the said recited Acts to be done at any Court of Quarter Sessions, touching such Sales and such other Matters aforesaid, may be done in respect to the Sale of any similar Property in such Boroughs, and to any other Matters relating thereunto, at a Special Meeting of such Council to be holden for the Purpose: Provided always, that in all such Boroughs, unless there be a Provision in the Agreement for accommodating all the Borough Debtors in the District Gaol, a Portion of the old Prison shall be fitted up as a Debtors Prison or Debtors Ward.

One Court to be holden for the united District.

XXXVI. And be it enacted, That One Court shall be holden for the united District of such Borough and the District of the County with which it shall be so joined, and the Jurisdiction of the Court of such Borough shall extend over the whole of such united District; and the Recorder of that Borough shall be the Recorder for the united District, and shall hold Courts of Sessions of the Peace for the united District; and the Clerk of the Peace of such Borough shall, for all the Purposes of this Act, be the Clerk of the Peace for the united District; and all Depositions, Recognizances, and other Documents relating to Prisoners committed to such District Prison shall be returned to the Clerk of the Peace acting for the united District.

Who to be Jurors.

6 G. 4. c. 50.

XXXVII. And be it enacted, That in every such Case the Hundreds, Parishes, Townships, or other Districts so united with the Borough, for the Purpose of holding such District Court therein, shall be taken to be within the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries;* and the Persons therein residing, and qualified to serve on Juries under the last-recited Act, shall be liable to serve as Jurors at the Sessions holden for such Borough and united District, and shall be returned in the Jury Lists to the High Constable, and by him to the Clerk of the Peace of the County in which such District is situated.

List of Jurors to serve at the Borough Sessions.

5 & 6 W. 4. c. 76.

XXXVIII. And be it enacted, That the Clerk of the Peace for such County shall send a Copy of the Lists of Jurors which he shall receive, relating to the said Hundreds, Parishes, Townships, or other Districts, to the Clerk of the Peace for such Borough, and the Jurors named in the said Lists shall be taken to be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and Wales*, with regard to Persons liable to serve upon Juries at Quarter Sessions of the Peace within such Borough.

Jurors Book.

XXXIX. And be it enacted, That the Clerk of the Peace for the Borough shall include the Names so sent to him, with the Names of the Burgesses liable to serve on Juries at the Court of Quarter Sessions for the said Borough, in One alphabetical List, which shall be the Jurors Book for the said Borough and adjacent District so united with it, for the Purpose of the said Court; and the Number to be summoned to attend any such Court shall be such as the Recorder shall think necessary for the Business of the Court, not being in any Case less than Thirty-six; and the Clerk of the Peace for the Borough shall have the same Powers for summoning Jurors from the Portion of the County comprised in the united District as are by Law vested in the Sheriff for the County for the like Purpose.

Jurors attending Borough Sessions to be exempted as at County Sessions.

XL. And be it enacted, That the Clerk of the Peace for such Borough shall, within Twenty Days after the Close of each District Session holden in that Borough, make out and transmit to the Clerk of the Peace of the said County a List of such Men who shall be summoned from such Hundreds, Parishes, Townships, or Districts, and who shall attend or serve on any Grand Jury or Petty Jury at such

Borough Session, with their respective Places of Abode, and Additions, and the Date of their Services; and every Man so summoned, and having duly served or attended until discharged by the Court, shall be entitled, on Application, before he shall depart from the Borough, and upon Payment of One Shilling, to receive a Certificate thereof from the Clerk of the Peace of such Borough, and shall be entitled to the same Exemptions from being summoned to attend at any future Session to be holden either for the Borough or for the County, and shall be in every respect on the same Footing and enjoy the same Privileges as if he had been summoned and had attended and served at any Session of the Peace for the said County.

District may be divided among Boroughs for Trial of Prisoners.

XLI. And be it enacted, That in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to the Agreement aforesaid, the District so united as aforesaid shall be divided into as many Divisions as there shall be Boroughs included in such Agreement; and to each of such Boroughs shall be apportioned such a Division of the said District as shall be more immediately adjacent thereunto, and shall be set forth in the Agreement, regard being had to the Amount of Population in the whole District, and the other Circumstances of the Case; and all Prisoners committed to the said Prison for any Offence committed within any Division aforesaid shall be sent for Trial to the Sessions of the Peace holden for that Borough to which such Division shall have been apportioned, and the Provisions herein-before contained with respect to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents for the united District, shall apply in each Case to the Division apportioned to each Borough.

Providing for Expences of District Courts.

XLII. And in order to provide for the Mode of defraying the Expences of the said District Courts as herein-before authorized, be it enacted, That the said Court shall be empowered to order the Treasurer of the said Committee to defray, out of any Monies in his Hands as such Treasurer, the Expences incurred in holding the said Courts, and also to pay such Costs, Charges, and Expences, as to the Court shall seem reasonable, to Prosecutors, Witnesses, and others before the said Court, in such and the like Cases as the Court of Sessions of the Peace holden for any County is empowered to make Orders on the Treasurer of the County for Payment of the like Costs, Charges, and Expences upon Prosecutions or Trials before such last-mentioned Court; and the Treasurer of the Committee, or some Person authorized by him, shall attend the said District Courts, and shall pay such Costs, Charges, and Expences accordingly.

Recorder of united District, &c. restrained from trying certain Offences. 5 & 6 Vict. c. 38.

XLIII. And be it declared and enacted, That neither the Recorder for such united District, nor any Barrister at Law appointed by Her Majesty to hold any Court of General Sessions of the Peace or Gaol Delivery for any Borough, District, or Place, shall be empowered at any Court holden by him to try any Person or Persons for any Treason or Felony which, by an Act passed in this Session of Parliament, intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace*, the Recorder of any Borough is restrained from trying at any Session of the Peace.

Act not to affect Corporations of Birmingham, Manchester, and Bolton.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to confirm or render valid, or in anywise to affect, the Charters of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of the Towns of *Birmingham*, *Manchester*, and *Bolton* respectively, or any One of such Charters, or any Act done or to be done in pursuance of any such Charter.

Interpretation of Act.

XLV. And be it enacted, That in this Act, unless the Context shall require a different Construction, the Word "Prison" shall be taken to mean a Gaol and House of Correction; and the Word "County" shall mean and comprise every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace; and the Word "Borough" shall mean and comprise a City, Town, or Port, as well as a Borough; and the Word "Prisoners" shall include Persons committed to Prison for Want of Bail or Securities, as well as Persons charged with or convicted of any Offence, or otherwise detained by legal Authority.

Commencement of Act.

XLVI. And be it enacted, That this Act shall commence and take effect from the First Day of *September* in the Year One thousand eight hundred and forty-two.

Act may be amended, &c.

XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LIV.

An Act to amend the Acts for the Commutation of Tithes in *England* and *Wales*, and to continue the Officers appointed under the said Acts for a Time to be limited. [30th *July* 1842.]

6 & 7 W. 4. c. 71.

'WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the Commutation of Tithes in* England *and* Wales, it was among other things enacted, that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person appointed under the said Act, should hold his Office for a longer Period than Five Years next after the Day of the passing of the said Act, and thenceforth until the End of the then next Session of Parliament; and that after the Expiration of the said Period of Five Years and of the then next Session of Parliament so much of the said Act as authorizes any such Appointment should cease: And whereas

5 Vict. c. 7.

by an Act passed in the last Session of Parliament it was among other things provided, that so much of the last-recited Act as is herein-before recited should be repealed, and that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, should hold his Office for a longer Period than until the Thirty-first Day of *July* One thousand eight hundred and forty-

'forty-two; and that after the said Thirty-first Day of *July* so much of the last-recited Act as authorizes 'any such Appointment should cease: And whereas it is expedient that the said Commission be further 'continued;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the last-recited Act as is herein-before recited shall be repealed, except so far as it repeals any Part of the first-recited Act; and that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so appointed or to be appointed shall hold his Office for a longer Period than the Thirty-first Day of *July* in the Year One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

Last-recited Act in part repealed.

Continuance of Tithe Commission.

II. 'And whereas by the first-recited Act Power is given to the Land Owners and Tithe Owners of any 'Parish to make and execute an Agreement for the Commutation of the Tithes of that Parish as therein 'specified; and Power is also given to the said Commissioners, after the First Day of *October*. in the 'Year One thousand eight hundred and thirty-eight, to make compulsory Awards for the Commutation of 'Tithes in any Parish in which no such Agreement shall have been made as aforesaid, and confirmed by 'the said Commissioners: And whereas Doubts have been entertained whether, pending the Proceedings 'toward a compulsory Award, the Land Owners and Tithe Owners can make and execute a voluntary 'Agreement which, if confirmed by the said Commissioners, shall be valid, and it is expedient that such 'Doubts be removed;' be it declared and enacted, That a Parochial Agreement for the Payment of a Rent-charge instead of Tithes, as provided by the said Act, may be made in the Manner therein specified, at any Time before the Confirmation of any Award for the Commutation of the Tithes of the same Parish; and such Agreement may contain Provisions for declaring how the Expences of the Parties, or any of them, shall be defrayed, which shall have been incurred in contesting the Award; and every such Agreement, whether made before or after the passing of this Act, if confirmed by the Commissioners, shall be as valid as if made and executed before any Proceedings had been taken toward making a compulsory Award, and shall have the Effect of making null and void all the Proceedings toward such compulsory Award, or incident thereunto, except so far as the same shall be adopted in such Agreement.

Agreements may be made pending Proceedings toward an Award.

III. And be it enacted, That in all Cases where no Time is fixed by any Award or Agreement commuting the Tithes of a Parish for the Commencement of the Rent-charge or Rent-charges therein awarded or agreed upon, it shall be lawful, notwithstanding that the Apportionment of the said Rent-charge or Rent-charges may have been confirmed for the Land Owners and Tithe Owners, having such an Interest in the Land and Tithes of the Parish as is required for making a Parochial Agreement, to enter into a supplemental Agreement for fixing the Period at which the Rent-charge or Rent-charges to be paid under such Award or Agreement shall commence: Provided always, that such supplemental Agreement shall be of no Force or Effect unless the same shall be confirmed by the said Commissioners under their Hands and Seal; and a Copy of every such supplemental Agreement shall be deposited with the Registrar of the Diocese, and in the Parish, in like Manner as Instruments of Apportionment are deposited under the said first-recited Act.

Parties may make a supplemental Agreement as to Commencement of Rent-charge.

Such Agreement to be confirmed, and a Copy deposited.

IV. 'And whereas by the first-recited Act Power is given to the said Commissioners to make Awards 'in Cases reserved for special Adjudication, having regard to the average Rate which shall be 'awarded in respect of Lands of the like Description and similarly situated in the neighbouring Parishes: 'And whereas it sometimes happens that voluntary Agreements for the Commutation of Tithes have 'been made in the greater Part of such neighbouring Parishes;' be it enacted, That, in awarding the Rent-charge in any Case so reserved, the Commissioners shall be empowered to have regard to the average Rate of Commutation in respect of Lands of the like Description and similarly situated, not only in the neighbouring Parishes in which there has been an Award by the Commissioners, but also in those in which there has been a Parochial Agreement for the Commutation of Tithes.

In making special Adjudication an Account may be taken of Parochial Agreements.

V. 'And whereas it will be beneficial to both Tithe Owners and Land Owners if the Tithe Commis- 'sioners are empowered to define the Glebe Lands in those Cases in which the Quantity of Glebe is 'known, but cannot be identified, and also to exchange the Glebe Lands or Part thereof for other Land;' be it enacted, That for the Purpose of defining and settling the Glebe Lands of any Benefice, on the Application of the Spiritual Person to whom the same belongs in right of such Benefice, and with the Consent of the Land Owner or Land Owners having or claiming Title to the Land so defined as Glebe, and being in possession thereof, the Tithe Commissioners shall, during the Continuance of the Commission, as well before as after the Completion of any Commutation, have the same Powers which they have for ascertaining, drawing, and defining the Boundaries of the Lands of any Land Owners on their Application; and also upon the like Application of any Spiritual Person the said Commissioners shall have Power to exchange the Glebe Lands, or any Part thereof, for other Land within the same or any adjoining Parish, or otherwise conveniently situated, with the Consent of the Ordinary and Patron of the Benefice and of the Land Owner or Land Owners having or claiming Title to the Land so to be given in Exchange for the Glebe Lands, and being in actual Possession thereof as aforesaid, such Consent to be testified as their Consent under the first-recited Act is testified to any thing for which their Consent is therein required; and in every such Case the Tithe Commissioners shall make an Award in like Manner as Awards are made under the first-recited Act, setting forth the Contents, Description, and Boundary of the Glebe Lands as finally settled by them, and of the Lands awarded to the several Parties to whom any Lands theretofore Part or reputed Part of the Glebe Lands are to be awarded; and every such Award shall have all the Incidents of an Agreement confirmed by the said Commissioners for giving Land instead of Tithes, and in every Case of Exchange shall operate as a Conveyance of the Lands theretofore Part or reputed

Powers for defining and exchanging Glebe.

reputed Part of the Glebe Lands to the several Persons to whom the same shall be awarded, and to their Heirs and Successors, Executors and Administrators, as the Case may be; and such Lands shall thereupon be holden by the same Tenure, and upon the like Uses and Trusts, and subject to the like Incidents, as the Land awarded as Glebe in Exchange for the same was formerly holden; and the Expence of so defining, exchanging, and settling any Glebe Lands shall be borne in such Manner as the Tithe Commissioners shall think just.

Extending Power of giving Land for Tithes.

VI. 'And whereas the Power of giving Land instead of Tithes has been found beneficial to both Tithe 'Owners and Land Owners, but such Power has been inoperative in a great degree by reason that the 'Land Owners by giving Land instead of Vicarial Tithe cannot free their Lands from the Liability to 'Rectorial Tithe, and the converse;' be it enacted, That it shall be lawful for any Tithe Owner, with the Consent of the Patron and Ordinary in the Case of Spiritual Tithes, to be testified as their Consent under the first-recited Act is testified to any thing for which their Consent is therein required, and subject in that Case to the Limitation of Quantity of Land provided by the first-recited Act, and subject to the Approval of the Tithe Commissioners, to agree for the Assignment to any other Owner of Tithes issuing out of the same Lands of so much of his Tithes arising within the same Parish, or of the Rent-charge agreed or awarded to be paid instead of such Tithes, as shall be an Equivalent for the Tithes belonging to such other Tithe Owner issuing out of the same Lands, or for the Rent-charge agreed or awarded to be paid instead thereof, for the Purpose of enabling any Land Owner who shall be desirous of giving Land instead of Tithes to free his Lands, or any Part thereof, from both Rectorial and Vicarial Tithes, and from the Payment of any Rent-charge in respect thereof; and every such Agreement shall be carried into effect by means of an Award or Supplemental Award, to be made by the said Commissioners either before or after the Confirmation of the Apportionment, in like Manner as Awards or Supplemental Awards are made by them pursuant to the Powers vested in them before the passing of this Act.

Confirmation of old Agreements for giving Land for Tithes.

VII. And be it enacted, That where any Agreement shall have been made before the passing of the first-recited Act for giving Land or Money, or both, instead of Tithes or Glebe or commonable or other Rights or Easements, which is not of legal Validity, and such Lands or Money, or both, shall appear to the Commissioners to be a fair Equivalent for the said Tithes or Glebe, or Rights or Easements, they shall be empowered to confirm and render valid such Agreement; and in case the same shall not appear to be a fair Equivalent, the said Commissioners shall nevertheless be empowered to confirm such Agreement, and also to make an Award for such Rent-charge, which with the said Land or Money, or both, will be a fair Equivalent for the said Tithes or Glebe, or Rights or Easements, and, subject to such Confirmation and Award, to extinguish the Right of the Tithe Owners to the Perception of the said Tithes, or his Title to the said Glebe Rights or Easements, or to the Receipt of any Rent-charge instead thereof, other than the Rent-charge awarded over and above the Lands or Money, or both, so confirmed to them.

Power to charge Expences of Commutation on Benefices extended.

VIII. And be it enacted, That in every Case in which any Spiritual Person shall have died or vacated his Benefice before exercising the Powers vested in him of borrowing Money for the Purpose of defraying so much of the Expences of Commutation as is to be defrayed by him, and of charging the Rent-charge with the Repayment of the Money borrowed, it shall be lawful for the Tithe Commissioners, with the Consent of the Ordinary, to borrow Money for that Purpose, and to charge the Repayment thereof upon the Rent-charge, or so much thereof as they, with the like Consent, shall think just, with Interest thereupon, and for that Purpose to assign the Rent-charge in like Manner as such Spiritual Person, if living or in possession of his Benefice, could himself have done; and the Person in whose Favour such Charge shall have been made, and his Assigns, shall have the like Remedies for enforcing Payment of the Principal and Interest of the Money so borrowed, in case of any Arrear in Payment of the said Charge, as if such Charge had been made by the Person so dying or vacating his Benefice.

For settling Questions of Arrears and Costs in Suits in Equity.

IX. And be it enacted, That in all Cases, whether the Tithes of any Parish have been commuted or not, where any Question as to the Liability of any Lands to the Render of Tithes, or as to the Existence of any Modus or Composition Real, or Prescriptive or Customary Payment, or any Claim of Exemption from or Non-liability to the Payment of Tithes in respect of any Lands, shall have been heard and determined by the said Commissioners, or by any Assistant Commissioner under their Direction, it shall be lawful for the said Commissioners or any Assistant Commissioner, after the Time for Appeal to a Court of Law from the said Determination has elapsed, or in case there has been such Appeal, after the Judgment of the Court on such Appeal, to make an Award, founded on the Decision of the said Commissioners or Assistant Commissioner, or the Judgment of any Court of Law to which Appeal shall have been made from the Decision of the said Commissioners or Assistant Commissioner, for the Determination of all Questions of Arrears of Tithes claimed in any Suit which may be pending in any Court of Equity for the Purpose of trying, as to the same Lands, such Liability, or the Legality of such Claim, Modus, Composition, or Customary Payment, and of the Liability of any of the Parties to Payment of the Costs of the Proceedings in such Suit, for which Purpose they respectively shall have all the Powers which under the said recited Acts or any of them they have for ascertaining the Value of the Tithes of such Lands; and such Award shall have the Effect of the Verdict of a Jury, on an Issue directed by the Court of Chancery satisfactory to the Judge or Court directing the same, and shall be received by the Court of Chancery as conclusive Evidence of the Liability or Non-liability of such Lands, and of the Amount of such Arrears, and of the Liability of the several Parties to the Payment of Costs in such Suit; and any Order of the Court of Chancery made thereon shall be binding on all Parties, and no Appeal to any other Judge or Court shall be brought against such Order.

X. And

The Act 2 & 3 W. 4. c. 100. not to have any Operation as to any Award of the Commissioners in certain Cases.

X. And be it enacted, That where any Question is or shall be brought for the Decision of the Tithe Commissioners or any Assistant Commissioner, relative to any of the Matters mentioned in an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for shortening the Time required in Claims of Modus decimandi or Exemption from or Discharge of Tithes*, as to which any such Suit shall have been commenced and shall be pending as would have prevented the Operation of the said recited Act, such recited Act shall not have any Operation as to any Award or Decision respecting such Question to be made by the said Tithe Commissioners or any Assistant Commissioner.

Provision for fixing the same Days of Payment of all Parts of the same Rent-charge.

XI. And be it enacted, That in any Parish where any Rent-charge has been agreed or awarded to be paid instead of Tithes, and Security has been given for Payment of such Rent-charge, and the Lands in such Parish have been discharged from Payment or Render of Tithes or Composition, or Rent in the Nature thereof, instead of Tithes, before the Apportionment of such Rent-charge, it shall be lawful for the Tithe Commissioners, by a Declaration in Writing under the Hands of any Two of them, and their Seal of Office, to fix the same half-yearly Days of Payment of the whole Rent-charge after Apportionment thereof; and in consideration that the Payment of some Sums will be thereby accelerated, and the Payment of other Sums will be thereby deferred and retarded, to make such Alterations and Allowances in the Payments to be made in the First Year after the Apportionment, both by way of Interest for every Sum of which Payment will be thereby deferred, and by way of Discount to be allowed for every Sum of which Payment will be thereby accelerated, as to the Commissioners shall seem just.

Power to Owner of Rent-charge to let Land taken under Writ of Possession.

XII. And be it enacted, That it shall be lawful for any Owner of Rent-charge, having taken possession of any Land for Nonpayment of the Rent-charge under the Provisions of the first-recited Act, from Time to Time during the Continuance of such Possession to let such Land, or any Part thereof, for any Period not exceeding One Year in possession, at such Rent as can be reasonably obtained for the same; and the Restitution of such Land, on Payment or Satisfaction of the Rent-charge, Costs, and Expences, shall be subject and without prejudice to any such Tenancy.

Power in certain Cases to use Tithe Commutation Maps for Parochial Purposes.

XIII. And be it enacted, That it shall be lawful for any Board of Guardians of any Parish or Union, with the Consent of the Poor Law Commissioners, and subject to such Conditions as the said Poor Law Commissioners may prescribe, to pay out of the Rates of any Parish any Portion of the Cost of making or providing any Map or Plan which shall have been confirmed under the Hands and Seal of the Tithe Commissioners, or any other Sum of Money by way of Consideration for the Use of the said Map or Plan, for the Purpose of estimating the net annual Value of Property in respect of which Rates may be assessed for the Relief of the Poor; and after the Tithe Commissioners shall have certified in Writing that such Money has been paid, the Overseers of the Parish, or any Person authorized by them in Writing, or any Officer of the said Board of Guardians, or any Person authorized by them in Writing, shall at all reasonable Times have Access to the Copy of the said Map or Plan deposited with the Incumbent and Church or Chapel Wardens of the Parish, or other Persons approved by the said Tithe Commissioners, and may inspect and make Copies or Extracts from the said Copy, without paying any thing for such Access or Inspection, or for making such Copies or Extracts.

Power to alter Apportionments.

XIV. 'And whereas by the first-recited Act Power is given for altering Apportionments of Rent-'charge by the Commissioners of Land Tax, on the Application of the Owner of the Lands charged 'therewith, and it is expedient that the Power thereby given should be extended, and also that during 'the Continuance of the Tithe Commission the like Power should be vested in the Tithe Commissioners;' be it enacted, That if at any Time after the Confirmation of any Instrument of Apportionment it shall appear that the Lands charged with One entire Rent-charge belong to or have become vested in several Owners, and that any of the Owners of such Lands shall be desirous that the Apportionment thereof should be altered, it shall be lawful for the Commissioners of Land Tax for the County or Place where the said Lands are situated, or any Three of them, to appoint, by Notice under their Hands, a Time and Place for hearing the Parties to such Application, and all other Parties interested therein; and upon satisfactory Proof of such Notice having been served on all Parties interested full Twenty-one Days before the Day of hearing, to proceed to alter the Apportionment in such Manner and in such Proportion amongst the said Lands as to them shall seem just, subject nevertheless to the Consent of Two Justices of the Peace, as in the said first-recited Act provided; and further, that upon such Application being made to the said Tithe Commissioners, they shall have the same Power of making such Alteration as by the said first-recited Act and by this Act is vested in the Commissioners of Land Tax, and that without any such Consent of Two Justices of the Peace; provided that no Alteration of any Apportionment shall be made under the first-recited Act or this Act whereby any Rent-charge shall be subdivided, so that any Subdivision thereof shall be less than Five Shillings.

Copy of Instrument of altered Apportionment to be sent to Tithe Office.

XV. 'And whereas it is expedient to make further Provision for recording all such Alterations of 'Apportionment;' be it enacted, That the Registrar of every Diocese, as soon as conveniently may be after the passing of this Act, shall cause to be made and sent to the Office of the Tithe Commissioners a Copy, certified under his Hand, of every Instrument of altered Apportionment in his Custody, which was made before the passing of this Act, the reasonable Cost of making and sending which Copy shall be defrayed by the Tithe Commissioners as Part of the Expence of putting in execution the Acts for the Commutation of Tithes; and after the passing of this Act Three Counterparts shall be made of every Instrument of altered Apportionment at the Expence of the Land Owner desiring the Alteration; and Two of the said Counterparts shall be sent as provided by the first-recited Act, and the Third shall be sent to or deposited in the Office of the Tithe Commissioners, or, after the Expiration of the Tithe Commission, shall be sent to and kept by the Person having Custody of the Records and Papers of the said Commission,

Commission, and shall be annexed to the Instrument of Apportionment in the Custody of the said Commissioners, or the Person having the Custody of their Records and Papers.

Remedy for enforcing Payment of Contribution to Rent-charge.

XVI. And be it enacted, That in case any Land charged with One Amount of Rent-charge shall belong to Two or more Land Owners in several Portions, and the Owner of any One of such Portions, or his Tenant, shall have paid the whole of such Rent-charge, or any Portion thereof greater than shall appear to him to be his just Proportion, and Contribution thereto shall have been refused or neglected to be made by any other of the said Land Owners, or his Tenant, after a Demand in Writing made on them, or either of them, for that Purpose, it shall be lawful for any Justice of the Peace acting for the County or other Jurisdiction in which the Land is situated, upon the Complaint of any such Land Owner, or his Tenant or Agent, to summon the Owner so refusing or neglecting to make Contribution, or his Tenant, to appear before any Two or more of such Justices of the Peace, who, upon Proof of the Demand and of Service of the Summons, as herein-after provided, whether or not the Party summoned shall appear, shall examine into the Merits of the Complaint, and determine the just Proportion of the Rent-charge so paid as aforesaid which ought to be contributed by the Land Owner of such other Portion of the said Land, and by Order under their Hands and Seals shall direct the Payment by him of what shall in their Judgment be due and payable in respect of such Liability to Contribution, with the reasonable Costs and Charges of such Proceedings, to be ascertained by such Justices; and thereupon it shall be lawful for the Complainant to take the like Proceedings for enforcing Payment of the said Amount of Contribution and Costs, and with the like Restriction as to the Arrears recoverable, as are given to the Owner of the Rent-charge by the said first-mentioned Act or this Act for enforcing Payment of the Rent-charge.

Service of Summons, &c.

XVII. And be it enacted, That Service of the said Demand in Writing, and Summons, or of any Notice to distrain, or Copy of Writ to assess the Arrears of Rent-charge, or Notice of the Execution thereof under the said first-recited Act, or the several Acts to amend the same, or this Act, upon any Person occupying or residing on the Land chargeable with the Rent-charge, or in case no Person shall be found thereon, then affixing the same in some conspicuous Place on the Land, shall be deemed good Service of any such Summons, Notice, Writ, or other Proceeding.

Provision for general Avowry in Actions of Replevin for Rent-charge.

XVIII. And be it enacted, That it shall be lawful for all Defendants in Replevin, brought on any Distress for Rent-charge payable under the said first-recited Act, or the several Acts to amend the same, or this Act, to avow or make cognizance generally that the Lands and Tenements whereon such Distress was made were chargeable with or liable to the Payment of a certain yearly Amount of Rent-charge under the Provisions of the Statutes for the Commutation of Tithes in *England* and *Wales*, which Rent-charge, or some Part thereof, was in arrear and unpaid for the Space of Twenty-one Days next after some half-yearly Day of Payment thereof, and after Ten Days Notice in Writing, as required by the said Acts, and that a certain Amount of such Rent-charge, according to the Prices of Corn, as directed by the said Acts, was at the Time of the said Distress due to the Person entitled to the Rent-charge.

Irregularity not to vitiate Proceedings.

XIX. And be it enacted, That where any Distress shall be made for any Rent-charge payable under the said recited Acts or any of them, or this Act, and justly due, and any Irregularity or unlawful Act shall be afterwards done by the Party distraining, or his Agent, in the Conduct, Sale, or Disposition of the Distress, the Distress itself shall not be therefore deemed to be unlawful, nor the Party making it deemed a Trespasser from the Beginning, but the Party aggrieved by such unlawful Act or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case; provided nevertheless, that no Plaintiff shall recover in any Action for any such unlawful Act or Irregularity, if Ten Days Notice in Writing shall not have been given to the Defendant by the Plaintiff of his Intention to bring such Action before the Commencement thereof, or if Tender of sufficient Amends has been made by the Party distraining, or his Agent, before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Act to be construed with 6 & 7 W. 4. c. 71. Application of certain Provisions.

XX. And be it enacted, That this Act shall be construed with and as Part of the first-recited Act, as amended by the several Acts passed for the Amendment thereof and by this Act; and that all Provisions in any of the said Acts relating to Land of Copyhold Tenure shall apply to Land of Customary Tenure, or any other Tenure subject to arbitrary Fine; and that all Provisions in the said Acts or in this Act relating to Glebe Land shall apply to all Land holden by any Spiritual Person in right of his Benefice.

Act may be amended, &c. this Session.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LV.

An Act for the better Regulation of Railways, and for the Conveyance of Troops.

[30th *July* 1842.]

3 & 4 Vict. c. 97.

'WHEREAS by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for regulating Railways*, Provision was made for the Supervision of Railways: 'And whereas it is expedient for the Safety of the Public to make further Provision for that Purpose;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation on the passing thereof.

Commencement of Act.

Recited Act and this Act to be construed together.

II. And be it enacted, That the Provisions of the said recited Act and of this Act shall be construed together as One Act, except so far as the Provisions of the said recited Act are hereby repealed, or shall be inconsistent with the Provisions of this Act.

III. 'And

Notice before opening Railway repealed.

III. 'And whereas by the said recited Act it is enacted, that after Two Months from the passing of 'the said recited Act no Railway, or Portion of any Railway, shall be opened for the public Conveyance 'of Passengers or Goods until One Calendar Month after Notice in Writing of the Intention of opening 'the same shall have been given, by the Company to whom such Railway shall belong, to the Lords of 'the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations: And 'whereas by the said recited Act it is also enacted, that if any Railway or Portion of any Railway shall 'be opened without due Notice as aforesaid, the Company to whom such Railway shall belong shall 'forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which the same shall continue 'open, until the Expiration of One Calendar Month after the Company shall have given the like Notice 'as is herein-before required before the opening of the Railway, and any such Penalty may be recovered 'in any of Her Majesty's Courts of Record;' be it enacted, That the said recited Provisions of the said Act shall be and they are hereby repealed.

Notice of intended opening of Railway.

IV. And be it enacted, That no Railway or Portion of any Railway shall be opened for the public Conveyance of Passengers until One Calendar Month after Notice in Writing of the Intention of opening the same shall have been given, by the Company to whom such Railway shall belong, to the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, and until Ten Days after Notice in Writing shall have been given by the said Company to the Lords of the said Committee of the Time when the said Railway or Portion of Railway will be, in their Opinion, sufficiently completed for the safe Conveyance of Passengers, and ready for Inspection.

If Railway opened without Notice, Company to forfeit 20*l.*

V. And be it enacted, That if any Railway or Portion of any Railway shall be opened without such Notice as aforesaid, the Company to whom such Railway shall belong shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which the same shall continue open until the said Notices shall have been duly given and shall have expired; and every such Penalty may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriffs Courts in *Scotland*.

Board of Trade empowered to postpone the opening.

VI. And be it enacted, That if the Officer or Officers appointed by the Lords of the said Committee to inspect any such Railway or Portion of Railway shall, after Inspection thereof, report in Writing to the Lords of the said Committee that, in his or their Opinion, the opening of the same would be attended with Danger to the Public using the same, by reason of the Incompleteness of the Works or permanent Way, or the Insufficiency of the Establishment for working such Railway, together with the Grounds of such Opinion, it shall be lawful for the Lords of the said Committee, and so from Time to Time, as often as such Officers shall after further Inspection thereof so report, to order and direct the Company to whom such Railway shall belong to postpone such opening for any Period not exceeding One Calendar Month at any One Time, until it shall appear to the Lords of the said Committee that such opening may take place without Danger to the Public; and if any such Railway, or any Portion thereof, shall be opened contrary to any such Order and Direction of the Lords of the said Committee, the Company to whom such Railway shall belong shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which the same shall continue open contrary to such Order and Direction; and any such Penalty may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriffs Courts in *Scotland:* Provided always, that no such Order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the said Company a Copy of the Report of the Officer or Officers on which such Order shall be founded.

Notice of Accidents to be given to the Board of Trade.

VII. And be it enacted, That every Railway Company shall, within Forty-eight Hours after the Occurrence upon the Railway belonging to such Company of any Accident attended with serious personal Injury to the Public using the same, give Notice thereof to the Lords of the said Committee; and if any Company shall wilfully omit to give such Notice every such Company shall forfeit to Her Majesty the Sum of Five Pounds for every Day during which the Omission to give the same shall continue; and every such Penalty may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriffs Courts in *Scotland.*

Board of Trade empowered to direct Returns.

VIII. And be it enacted, That the Lords of the said Committee may order and direct any Railway Company to make up and deliver to them Returns of serious Accidents occurring in the course of the public Traffic upon the Railway belonging to such Company, whether attended with personal Injury or not, in such Form and Manner as the Lords of the said Committee shall deem necessary and require for their Information with a view to the public Safety; and if any such Returns shall not be so delivered within Fourteen Days after the same shall have been required, every such Company shall forfeit to Her Majesty the Sum of Five Pounds for every Day during which the said Company shall neglect to deliver the same; and every such Penalty may be recovered in any of Her Majesty's Courts of Record, or in the Courts of Session or in any of the Sheriffs Courts in *Scotland:* Provided always, that all such Returns shall be privileged Communications, and shall not be Evidence in any Court whatsoever.

Gates at level Crossings to be kept closed across the Road. 2 & 3 Vict. c. 45.

IX. 'And whereas by an Act passed in the Second and Third Years of Her present Majesty, and 'intituled *An Act to amend an Act of the Fifth and Sixth Years of His late Majesty King* William *the* 'Fourth *relating to Highways*, it was enacted, that whenever a Railway crosses or shall hereafter cross 'any Turnpike Road, or any other Highway or Statute Labour Road for Carts or Carriages in *Great* 'Britain, the Proprietors or Directors of the said Railway shall make and maintain good and sufficient 'Gates across each End of such Turnpike or other Road at each End of the said Crossings, and shall 'employ good and proper Persons to open and shut such Gates, so that the Persons, Carts, or Carriages 'passing along such Turnpike or other Road shall not be exposed to any Danger or Damage by the

'passing of any Carriages or Engines along the said Railway: And whereas by the Acts relating to 'certain Railways it is provided that such Gates shall be kept constantly closed across the Railway, 'except during the Time when Carriages or Engines passing along the Railway shall have to cross such 'Turnpike or other Road: And whereas Experience has shown that it is more conducive to Safety that 'such Gates should be kept closed across the Turnpike or other Road instead of across the Railway;' be it therefore enacted, That, notwithstanding any thing to the contrary contained in any Act of Parliament heretofore passed, such Gates shall be kept constantly closed across each End of such Turnpike or other Roads, in lieu of across the Railway, except during the Time when Horses, Cattle, Carts, or Carriages passing along such Turnpike or other Road shall have to cross such Railway; and such Gates shall be of such Dimensions and so constructed as, when closed across the Ends of such Turnpike or other Roads, to fence in the Railway, and prevent Cattle or Horses passing along the Road from entering upon the Railway while the Gates are closed: Provided always, that it shall be lawful for the Lords of the said Committee, in any Case in which they are satisfied that it will be more conducive for the public Safety that the Gates at any level Crossing over any such Turnpike or other Road should be kept closed across the Railway, to order and direct that such Gates shall be kept so closed, instead of across the Road; and such Order of the Lords of the said Committee shall be a sufficient Authority for the Directors or Proprietors of any Railway Company to whom such Order is addressed for keeping such Gates closed, in the Manner directed by the Lords of the said Committee.

Proviso.

Railway Companies to erect and maintain Fences.

X. 'And whereas it is expedient that further Provision be made for the Safety of the Public in respect 'of the Fences of Railways;' be it enacted, That all Railway Companies shall be under the same Liability of Obligation to erect, and to maintain and repair, good and sufficient Fences throughout the whole of their respective Lines, as they would have been if every Part of such Fences had been originally ordered to be made under an Order of Justices by virtue of the Provisions to that Effect in the Acts of Parliament relating to such Railways respectively.

Disputes between connecting Railways to be decided by the Board of Trade.

XI. And be it enacted, That where Two or more Railway Companies whose Railways have a common Terminus or a Portion of the same Line of Rails in common, or which form separate Portions of One continued Line of Railway Communication, shall not be able to agree upon Arrangements for conducting at such common Terminus, or at the Point of Junction between them, their joint Traffic with Safety to the Public, it shall be lawful for the Lords of the said Committee, upon the Application of either of the Parties, to decide the Questions in dispute between them, so far as the same relate to the Safety of the Public, and to order and determine whether the whole or what Proportion of the Expences attending on such Arrangements shall be borne by either of the Parties respectively; and if any Railway Company shall refuse or wilfully neglect to obey any such Order made upon or against such Company by the Lords of the said Committee pursuant to this Provision, such Company shall forfeit to Her Majesty the Sum of Twenty Pounds *per* Day for every Day during which such Refusal or Neglect shall continue; and every such Penalty may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriffs Courts in *Scotland*.

Powers of making Branch Communication with Railways, and of entering upon them with locomotive Engines, to be regulated by the Board of Trade.

XII. 'And whereas Powers of laying down Branch Lines opening into the Ledges or Flanches of 'Main Lines of Railway, and of entering upon and passing along such Main Lines with Carriages and 'Waggons drawn by locomotive Engines, or by other mechanical or animal Power, and also Powers to 'form Roads or Railways across existing Railways on a Level, have been given by various Acts relative 'to Railways to the Owners or Occupiers of Lands adjoining the Railway, and to other Persons with 'their Consent: And whereas Experience has shown that the Exercise of such Powers without Limi-'tation would in many Cases be attended with Danger to the Public using such Railway;' be it therefore enacted, That if, in the Case of any Railway on which Passengers are conveyed by Steam or other mechanical Power, it shall appear to the Lords of the said Committee that such Power as aforesaid cannot be so exercised without seriously endangering the public Safety, and that an Arrangement may be made with a due Regard to existing Rights of Property, it shall be lawful for the Lords of the said Committee to order and direct that such Powers shall only be exercised subject to such Conditions as the Lords of the said Committee shall direct: Provided always, that no Railway shall be considered a Passenger Railway if Two Thirds or more of the gross annual Revenue of such Railway shall be derived from the Carriage thereon of Coals, Ironstone, or other Metals or Minerals.

Defining a Passenger Railway.

Alteration of dangerous level Crossings.

XIII. 'And whereas in many Cases Railways have been made to cross Turnpike Roads, Highways, 'and private Roads and Tramways on the Level, and the Companies to whom such Railways belong 'would in some Cases be willing, at their own Expence, to carry such Roads and Tramways over or 'under such Railways by means of a Bridge or Archway for the greater Safety of the Public, but have 'no Authority so to do: And whereas it would promote the public Safety if Railway Companies were 'enabled, under the Sanction and Authority of the Lords of the said Committee, to substitute Bridges 'or Archways for such level Crossings as aforesaid;' be it therefore enacted, That in all Cases where any Railway Company shall be willing, at their own Expence, to carry any Turnpike Road, Highway, or private Road or Tramway over or under their Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, it shall be lawful for the Lords of the said Committee, on the Application of the said Company, and after hearing the several Parties interested, if it shall appear to the Lords of the said Committee that such level Crossing endangers the public Safety, and that the Proposal of the Company does not involve any Violation of existing Rights or Interests without adequate Compensation, to give the said Company full Power and Authority for removing the Danger at their own Expence, either by building

building a Bridge, or by such other Arrangement as the Nature of the Case shall require, subject to such Conditions as the Lords of the said Committee shall direct.

Power for Railway Companies to enter upon adjoining Lands to repair Accidents.

XIV. 'And whereas it is essential for the public Safety, and also for the proper Maintenance of 'Railways in a State of Efficiency for the public Service, that Railway Companies should have the Power, 'in case of Accidents or Slips happening or being apprehended to their Cuttings and Embankments or 'other Works, to enter upon the Lands adjoining their respective Railways, for the Purpose of repairing 'or renewing the same, and to do such Works as may be necessary for the Purpose;' be it therefore enacted, That it shall be lawful for the Lords of the said Committee to empower any Railway Company, in case of any Accident or Slip happening or being apprehended to any Cutting, Embankment, or other Work belonging to them, to enter upon any Lands adjoining their Railway for the Purpose of repairing or preventing such Accident, and to do such Works as may be necessary for the Purpose: Provided always, that in case of Necessity it shall be lawful for any Railway Company to enter upon such Lands and do such Works as aforesaid, without having obtained the previous Sanction of the Lords of the said Committee; but in every such Case such Railway Company shall, within Forty-eight Hours after such Entry, make a Report to the Lords of the said Committee, specifying the Nature of such Accident or apprehended Accident, and of the Works necessary to be done, and such Powers shall cease and determine if the Lords of the said Committee shall, after considering the said Report, certify that their Exercise is not necessary for the public Safety: Provided also, that such Works shall be as little injurious to the said adjoining Lands as the Nature of the Accident or apprehended Accident will admit of, and shall be executed with all possible Despatch; and full Compensation shall be made to the Owners and Occupiers of such Lands for the Loss or Injury or Inconvenience sustained by them respectively by reason of such Works, the Amount of which Compensation, in case of any Dispute about the same, shall be settled in the same Manner as Cases of disputed Compensation are directed to be settled by the Acts relating to the Railway on which such Works may become necessary: Provided always, that no Land shall be taken permanently by any Railway Company for such Works without a Certificate from the Lords of the said Committee as herein-after described.

Compulsory Powers of taking Land for the Purposes of Railways extended, where thought necessary for Safety by the Board of Trade.

XV. 'And whereas by various Acts relating to Railways compulsory Powers are given to Railway 'Companies of purchasing and taking Lands for the Construction of such Railways, and it is provided 'that such compulsory Powers shall not be exercised after the Expiration of certain limited Periods from 'the passing of the said Acts: And whereas it is sometimes found necessary for the public Safety that 'additional Land should be taken after the Expiration of such Periods for the Purpose of giving increased 'Width to the Embankments and Inclination to the Slopes of Railways, or for making Approaches to 'Bridges or Archways, or for doing such Works for the Repair or Prevention of Accidents as are herein-'before described;' be it therefore enacted, That, in every Case in which the Lords of the said Committee shall certify that the public Safety requires additional Land to be taken by any Railway Company for such Purposes as aforesaid, the compulsory Powers of purchasing and taking Land contained in the Act or Acts of such Railway Company, together with all the Clauses and Provisions relative thereto, shall, as regards such Portion or Portions of Land as are mentioned in the Certificate of the Lords of the said Committee, revive and be in full Force for such further Period as shall be mentioned in such Certificate: Provided always, that any Railway Company applying to the Lords of the said Committee for any such Certificate shall give Fourteen Days Notice in Writing, in the Manner prescribed by the Act or Acts of such Company for serving Notices on Land Owners, of their Intention to make such Application, to all the Parties interested in such Lands, or such of them as shall be known to the Company, and shall state in such Notice the Particulars of the Lands required; and if any of such Parties interested shall apply within the said Period of Fourteen Days to the Lords of the said Committee, such Party shall be heard by them before any such Certificate is given: Provided also, that where any such Application shall have been made by any Railway Company to the Lords of the said Committee, upon which Application any such Certificate shall have been refused, the Directors of such Railway Company shall, if required by the Lords of the said Committee, repay to the Party resisting such Application any Expences which he or they may have incurred in resisting such Application.

Carriages of greater Weight than Four Tons may be used on Railways.

XVI. 'And whereas by various Acts relating to Railways it is enacted, that no Carriage or Waggon 'shall carry or bear at any One Time upon the Railway (including the Weight of such Carriage) more than 'Four Tons, and Experience has shown that it is in many Cases more conducive to Safety to use a heavier 'Description of Carriage or Waggon upon Railways than was originally contemplated;' be it therefore enacted, That every Provision contained in any such Act or Acts respectively limiting the Weight to be carried or borne at any One Time in any Carriage or Waggon upon any Railway (including the Weight of such Carriage or Waggon) to Four Tons shall be and the same is hereby repealed, and that, notwithstanding any thing in any Act contained, it shall be lawful for any Railway Company to use and to permit to be used upon any Railway Carriages or Waggons carrying or bearing (including the Weight of such Carriage) a greater Weight than Four Tons, subject to such Regulations as may from Time to Time be made and be in force pursuant to any Act or Acts of Parliament already or hereafter to be passed in that Behalf.

Punishment of Persons employed on Railways guilty of Misconduct.

XVII. 'And whereas by the said recited Act for regulating Railways Provision is made for the 'Punishment of Servants of Railway Companies guilty of Misconduct, and it is expedient to extend such 'Provision;' be it enacted, That it shall be lawful for any Officer or Agent of any Railway Company, or for any Special Constable duly appointed, and all such Persons as they may call to their Assistance, to seize

seize and detain any Engine Driver, Waggon Driver, Guard, Porter, Servant, or other Person employed by the said or by any other Railway Company, or by any other Company or Person, in conducting Traffic upon the Railway belonging to the said Company, or in repairing and maintaining the Works of the said Railway, who shall be found drunk while so employed upon the said Railway, who shall commit any Offence against any of the Bye Laws, Rules, or Regulations of the said Company, or who shall wilfully, maliciously, or negligently do or omit to do any Act whereby the Life or Limb of any Person passing along or being upon such Railway or the Works thereof respectively shall be or might be injured or endangered, or whereby the Passage of any Engines, Carriages, or Trains shall be or might be obstructed or impeded, and to convey such Engine Driver, Guard, Porter, Servant, or other Person so offending, or any Person counselling, aiding, or assisting in such Offence, with all convenient Despatch before some Justice of the Peace for the Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and every such Person so offending, and every Person counselling, aiding, or assisting therein, as aforesaid, shall, when convicted upon the Oath of One or more credible Witness or Witnesses before such Justice as aforesaid (who is hereby authorized and required, upon Complaint to him made upon Oath, without Information in Writing, to take cognizance thereof, and to act summarily in the Premises), in the Discretion of such Justice, be imprisoned, with or without hard Labour, for any Term not exceeding Two Calendar Months, or, in the like Discretion of such Justice, shall for every such Offence forfeit to Her Majesty any Sum not exceeding Ten Pounds, and in default of Payment thereof shall be imprisoned, with or without hard Labour, as aforesaid, for such Period, not exceeding Two Calendar Months, as such Justice shall appoint, such Commitment to be determined on Payment of the Amount of the Penalty; and every such Penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual Manner.

Sheriffs to have Jurisdiction in Scotland.

XVIII. And be it enacted, That in all Cases in which by the present or the said recited Act for regulating Railways it is provided that Offenders shall be taken before One or more Justices of the Peace for the Place within which the Offence was committed, it shall be lawful, in case the Offence is committed in *Scotland*, to take such Offenders before the Sheriff of the County, or other Magistrate acting for the District within which such Offence shall be committed, or where such Offender shall be apprehended, without any Warrant or Authority other than this Act; and such Sheriff or Magistrate is hereby empowered and required, on the Application of the Railway Company, to proceed in all respects as if the Words "Sheriff or Magistrate" had been substituted for the Word "Justice" in the said Acts, and shall be entitled summarily, and without a Jury, to execute the Powers thereby and hereby committed to him.

Communications to and from the Board of Trade, and Service of Notices, &c. on Railway Company.

XIX. And be it enacted, That all Notices, Returns, and other Documents required by this Act or by the said recited Act to be given to or laid before the Lords of the said Committee shall be delivered at or sent by the Post to the Office of the Lords of the said Committee; and all Notices, Requisitions, Orders, Regulations, Appointments, Certificates, certified Copies, and other Documents in Writing, signed by One of the Secretaries of the said Committee, or by some Officer appointed for that Purpose by the Lords of the said Committee, and purporting to be made by the Lords of the said Committee, shall, for the Purposes of this and of the said recited Act, be deemed to have been made by the Lords of the said Committee, and that in the Absence of Evidence to the contrary, without Proof of the Authority of the Person signing the same or of the Signature thereto; and Service of the same at One of the terminal Offices of any Railway Company on the Secretary or Clerk of the said Company, or by sending the same by Post addressed to him at such Office, shall be deemed good Service upon the said Company.

Railway Companies shall convey Military and Police Forces at Prices to be settled.

XX. And be it enacted, That whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or the Police Force, by any Railway, the Directors thereof shall and are hereby required to permit such Forces respectively, with their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, to be conveyed at the usual Hours of starting, at such Prices or upon such Conditions as may from Time to Time be contracted for between the Secretary at War and such Railway Companies for the Conveyance of such Forces, on the Production of a Route or Order for their Conveyance signed by the proper Authorities.

Meaning of the Words "Railway" and "Company."

XXI. And be it enacted, That whenever the Word "Railway" is used in this or in the said recited Act it shall be construed to apply to all Railways used or intended to be used for the Conveyance of Passengers in or upon Carriages drawn or impelled by the Power of Steam or by any other mechanical Power; and whenever the Word "Company" is used in this or in the said recited Act it shall be construed to extend to and include the Proprietors for the Time being of any such Railway, whether a Body Corporate or Individuals, and their Lessees, Executors, Administrators, and Assigns, unless in either of the above Cases the Subject or Context be repugnant to such Construction.

Application of Penalties.

XXII. And be it enacted, That all Penalties under this Act, for the Application of which no special Provision is made, shall be recovered in the Name and for the Use of Her Majesty, in the Manner provided by the said recited Act for regulating Railways.

Act may be repealed this Session.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LVI.

An Act for further amending the Laws relating to the Customs. [30th *July* 1842.]

'WHEREAS by an Act passed in this present Session of Parliament, intituled *An Act to amend the Laws relating to the Customs*, and by Class Five of the Table to the said Act annexed, certain Duties of Customs are imposed upon Timber and Woods not otherwise charged from and after the Tenth Day of *October* One thousand eight hundred and forty-two: And whereas, among other Articles enumerated in the said Class, certain Duties are imposed upon Wood of or from Foreign Countries, planed or otherwise dressed or prepared for Use, and not particularly enumerated nor otherwise charged with Duty: And whereas the said last-mentioned Duties are imposed in the Words following; (that is to say,) "Nine-pence *per* Foot of Cubic Contents, and further for every One hundred Pounds Value Ten Pounds; from and after the Tenth Day of *October* One thousand eight hundred and forty-two Seven-pence Halfpenny *per* Foot of Cubic Contents, and further for every One hundred Pounds Value Ten Pounds:" And whereas Doubts have arisen as to the Time when the said Duty of Seven-pence Halfpenny *per* Foot of Cubic Contents, and further for every One hundred Pounds Value Ten Pounds, is to commence, and it is therefore expedient to declare and explain the Meaning of the said Act in that respect;' be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Duty of Seven-pence Halfpenny *per* Foot of Cubic Contents, and further of Ten Pounds for every One hundred Pounds Value, shall commence and be payable to Her Majesty, Her Heirs and Successors, from and after the Tenth Day of *October* One thousand eight hundred and forty-three, and not from and after the Tenth Day of *October* One thousand eight hundred and forty-two; and that the said Duty of Nine-pence *per* Foot of Cubic Contents, and further of Ten Pounds for every One hundred Pounds Value, shall be payable to Her Majesty, Her Heirs and Successors, from and after the Tenth Day of *October* One thousand eight hundred and forty-two only until and on the Tenth Day of *October* One thousand eight hundred and forty-three. 5 & 6 Vict. c. 47.

Duty of 7½*d.* per Cubic Foot, &c. on Woods planed, &c. to be from 10th Oct. 1843, and of 9*d.* to be from 10th Oct. 1842 till 10th Oct. 1843.

II. 'And whereas by the said Act, and by Class Six of the Table thereto annexed, certain Duties are respectively imposed upon Ore of Copper of respective Qualities therein specified, and which in the said Table are described in the Phrases herein-after set forth; (that is to say,) Ore of Copper containing not more than Fifteen Parts of Copper, Ore of Copper containing not more than Twenty Parts of Copper, and Ore of Copper containing more than Twenty Parts of Copper: And whereas Doubts are entertained as to the Proportions between the Copper and the Ore which are intended to be designated by the Phrases above set forth, and it is expedient to declare and explain the Meaning of the said Act and Table in that respect;' be it therefore enacted, That the said Act and Table shall be construed, and the said Duties on Ore of Copper of the several Qualities so described as aforesaid shall be chargeable and leviable, as if the Words following, (namely,) "in the Hundred Parts of Ore," were inserted immediately after the Words "Parts of Copper" in each of the several Phrases herein-before set forth. 5 & 6 Vict. c. 47. Class VI.

Removal of Doubts as to Duties on Copper Ore.

III. 'And whereas by the said Act certain Manufactures of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* are, for the Purposes of Duty, to be deemed and taken to be the Produce of and imported from a Foreign Country;' be it enacted, That the said last-mentioned Provision shall not be taken to extend to any Manufactures of the said Islands the Materials whereof are not of Foreign Origin or Produce, but of the Growth or Produce of the said Islands, although such Materials may be liable to Duty upon the Importation thereof into the United Kingdom. Manufactures of Guernsey, &c. from Home Produce not to be deemed Foreign.

IV. 'And whereas by the said Act and by Class 19 in the Table (A.) thereto annexed the following Duties are imposed upon the following Articles, in the Words and Figures herein-after mentioned; (that that is to say,) Pearls not to be exempted from Duties, as in Class 19.

	RATES OF DUTY.	
	Of or from Foreign Countries.	Of and from British Possessions.
Jewels, Emeralds, Rubies, and all other precious Stones (except Diamonds and Pearls) unset, for every £100 Value - - -	0 10 0	0 10 0
——— set, - for every £100 Value - - -	10 0 0	10 0 0

'And whereas, in consequence of the final Mark of the Parenthesis as above set forth having been erroneously inserted after the Word Pearls, instead of after the Word Diamonds, Pearls may be held to be included in the above Exception, contrary to the Intention of Parliament;' be it therefore enacted, That the said Act and Table shall be construed, and the Duties of Ten Shillings and Ten Pounds for every One hundred Pounds Value respectively shall be chargeable and leviable, upon Pearls unset and set respectively, as if the said Parenthesis had terminated immediately after the Word Diamonds, and as if the Words "and Pearls" had not been included therein or in the said Exception.

V. 'And

Animal or Vegetable Specimens illustrative of Natural History exempt from Duty.

V. 'And whereas under the said Act Minerals illustrative of Natural History are exempted from 'Duty, and it is expedient that the like Exemption should be extended to other Specimens illustrative 'of Natural History;' be it therefore enacted, That all Specimens, whether Animal or Vegetable, illustrative of Natural History, and whether of or from Foreign Countries, or of and from *British* Possessions, may be imported into the United Kingdom Duty-free, any thing in the said Act contained in anywise notwithstanding.

Ornamental Plate made prior to the Year 1800 may be sold without being assayed.

VI. 'And whereas by the said Act to amend the Laws relating to the Customs, the Sale, Exchange, 'and Exposition to Sale of Gold and Silver Plate, not being battered, which should be imported after 'the passing of the said Act, and not being of the Standards respectively required for Gold and Silver 'Wares in *England*, and not having been assayed, stamped, or marked as therein is mentioned, are 'prohibited, with such Penalties and Forfeitures as therein are declared or referred to: And whereas it is 'expedient that such Plate as herein-after is described should be exempted from the Operation of the 'said Prohibition;' be it therefore enacted, That from and after the passing of this Act it shall be lawful to sell, exchange, or expose to Sale any Gold or Silver Plate which since the passing of the said Act shall have been or henceforth shall be imported from Foreign Parts, such Gold or Silver Plate being of Foreign Manufacture, and of an ornamental Kind, and having been made or wrought previous to the Year One thousand eight hundred, notwithstanding such Gold or Silver Plate shall not be of such Standard as aforesaid, and shall not be assayed, stamped, or marked as by the said last-mentioned Act is required, any thing in the said last-mentioned Act in anywise notwithstanding: Provided always, that in any Action, Suit, or other Proceeding against any Party for any Forfeiture or Penalty for selling, exchanging, or exposing to Sale any Gold or Silver Plate imported from Foreign Parts, before the same shall have been assayed, stamped, or marked as in the said Act is mentioned, the Proof that the same was manufactured previous to the Year One thousand eight hundred, or that the same was imported previous to the passing of the said last-mentioned Act, shall lie on such Party.

In case of Action Proof of Non-liability to Penalty to lie on Defendant.

Duty on Cement Stone repealed.

VII. 'And whereas by the said Act a Duty of Sixpence *per* Hundred Weight is imposed upon Cement 'Stone, the Produce or Manufacture of the United Kingdom, exported from the United Kingdom to 'Foreign Countries, and it is expedient to repeal the same;' be it therefore enacted, That from and after the passing of this Act the said Duty on Cement Stone shall be repealed.

Beef and Pork from Warehouse; Repeal as to Bond and Declaration deferred till 10th Oct. 1842.

VIII. 'And whereas by the said Act for amending the Laws relating to the Customs certain Provisions 'are made respecting the Conditions of Bonds to be given upon the Exportation of Beef and Pork from 'the Warehouse, and also respecting the Declaration from the Master of the Vessel in which the same 'is about to be exported, and respecting certain Penalties upon such Masters: And whereas it is 'expedient to postpone the Operation of the said Provisions;' be it enacted, That the said Provisions shall not come into or be in operation until the Tenth Day of *October* One thousand eight hundred and forty-two.

Copper Ore not to be delivered from the Warehouse to be smelted after the passing of this Act.

Proviso as to Copper Ore imported before March 1843.

IX. 'And whereas by a certain Act of Parliament passed in the Third and Fourth Years of the Reign 'of His late Majesty King *William* the Fourth, intituled *An Act for the warehousing of Goods*, Copper 'Ore which has been warehoused under the Provisions of the said last-mentioned Act may be delivered 'from the Warehouse for the Purpose of being smelted under certain Regulations set forth in the said 'Act: And whereas it is expedient that this Privilege should be discontinued;' be it enacted, That from and after the passing of this Act no Copper Ore shall be delivered from the Warehouse for the Purpose of being smelted: Provided always, that any Copper Ore which shall be imported in a Foreign Ship of any Country of which it is not the Produce, on or before the First Day of *March* in the Year of our Lord One thousand eight hundred and forty-three, may be permitted to be entered and delivered for Home Consumption upon Payment of the Duty due by Law upon Copper Ore.

So much of 3 & 4 W. 4. c. 59. as restricts the Intercourse between the Islands of Jamaica and St. Domingo repealed.

X. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, it is 'enacted, that no *British* Merchant Ship or Vessel shall sail from any Place in the Island of *Jamaica* to 'any Place in the Island of *Saint Domingo*, nor from any Place in the Island of *Saint Domingo* to any 'Place in the Island of *Jamaica*, under the Penalty of the Forfeiture of such Ship or Vessel, together 'with her Cargo, and that no Foreign Ship or Vessel which shall have come from or shall in the Course 'of her Voyage have touched at any such Place in the Island of *Saint Domingo* shall come into any 'Port or Harbour in the Island of *Jamaica*; and if any such Ship or Vessel having come into any such 'Port or Harbour shall continue there for Forty-eight Hours after Notice by the Officer of Customs to 'depart therefrom, such Ship or Vessel shall be forfeited; and that if any Person shall be landed in the 'Island of *Jamaica* from on board any Ship or Vessel which shall have come from or touched at the 'Island of *Saint Domingo*, except in case of urgent Necessity, or unless Licence shall have been given 'by the Governor of *Jamaica* to land such Person, such Ship shall be forfeited, with her Cargo: And 'whereas it is expedient to repeal so much of the last-mentioned Act as is herein-before recited;' be it therefore enacted, That from and after the passing of this Act so much of the said last-mentioned Act as is herein-before recited shall be repealed.

Act may be amended this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LVII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in *England*.

[30th *July* 1842.]

'WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, Provision was made for the Appointment of Poor Law Commissioners, Assistant Commissioners, Secretaries, and other Officers, and for their Continuance in Office until the End of the Session of Parliament held next after the Fourteenth Day of *August* in the Year One thousand eight hundred and thirty-nine, and by other Acts passed respectively in the Third and the Fourth and the Fifth Years of the Reign of Her present Majesty Provision was made for their further Continuance in Office until the Thirty-first Day of *July* in the Year One thousand eight hundred and forty-two, and it is expedient to extend such Provisions;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Poor Law Commissioner appointed by His late Majesty, or appointed or to be appointed by Her Majesty the Queen, Her Heirs and Successors, and every Assistant Commissioner, Secretary, and other Officer and Person duly appointed by the Poor Law Commissioners, shall be empowered (unless he shall previously resign or be removed) to hold his Office, and exercise the Powers thereof, until the Thirty-first Day of *July* in the Year One thousand eight hundred and forty-seven, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove any of the said Commissioners for the Time being, and upon every or any Vacancy in the Number of Commissioners, either by Removal or by Death or otherwise, to appoint by Warrant under the Royal Sign Manual some other fit Person to the said Office, and until such Appointment it shall be lawful for the surviving or continuing Commissioner or Commissioners to act as if no such Vacancy had occurred.

4 & 5 W.4. c.76.
2 & 3 Vict. c.83.
3 & 4 Vict. c. 42.
5 Vict. c. 10.

Poor Law Commissioners, &c. continued.

II. 'And whereas by the said first-recited Act it is provided, that it shall not be lawful for the Poor Law Commissioners to appoint more than Nine Assistant Commissioners to act at any One Time, unless the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them, shall consent to the Appointment of a greater Number;' be it enacted and provided, That after the Thirty-first Day of *December* in the Year One thousand eight hundred and forty-two it shall not be lawful in any Case for the Poor Law Commissioners to appoint or continue in Office more than Nine Assistant Commissioners to act in *England* and *Wales*: Provided always, that after the passing of this Act, whenever it may seem fitting to the said Commissioners, or whenever they may be thereunto required by Her Majesty's Principal Secretary of State for the Home Department, the said Commissioners, with the Consent of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall appoint some Person, being a Doctor in Medicine, a Barrister at Law, a Member of the Royal College of Surgeons of *London* or *Dublin*, an Architect or Surveyor, and not being One of the Assistant Commissioners as aforesaid, or some Two or more of such Persons, to act either in *England* or *Ireland* as an Assistant Commissioner or Assistant Commissioners, for the Purpose of conducting any special Inquiry, for a Period not exceeding Thirty Days; and the said Commissioners shall delegate to every Person so appointed for the Purpose of conducting such Inquiry all such of the Powers of the said Commissioners as they may deem necessary or expedient, for summoning Witnesses and conducting such Inquiry; and every such Appointment shall be subject to the Approval of One of Her Majesty's Principal Secretaries of State; and every Person so appointed as aforesaid to conduct any special Inquiry shall, before he enter on the Execution of his Duties, take the following Oath before One of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or One of the Barons of the Exchequer in *England* or *Ireland*, as the Case may be:

Not more than Nine Assistant Commissioners to act in England.

Professional Persons, not being Assistant Commissioners, may be appointed to make special Inquiries.

Such Persons, previously to acting, to take the following Oath.

'I *A.B.* do swear, That I will faithfully and honestly, according to the best of my Skill and Judgment, inquire into all Matters and Things which I may be lawfully directed to examine into, and will truly and impartially report thereon.'

And it shall not be necessary to notify the Appointment of any such Person, or the taking of the Oath aforesaid, otherwise than by publishing a Notification of the same in the *London Gazette*, and by signifying the same, under the Seal of the said Commissioners, to the Clerk of the Peace of the County or Counties within which the Inquiry in question is to be made: Provided always, that if any Person be charged with any Misconduct in any Matter relating to the Administration of the Laws for the Relief of the Poor, and if any such special Inquiry as aforesaid be directed to be made into such Charge, the Person bringing such Charge shall be entitled to make the same at such Inquiry by his Counsel or Attorney, and the Person charged with such Misconduct shall be entitled to make his Defence at such Inquiry by his Counsel or Attorney; but nothing herein contained shall release any Person charged with any Misconduct, or bringing any Charge of Misconduct, from the Liability to be himself examined at any such Inquiry in respect of the Matter of such Charge, in the same Manner and subject to the same Penalties as under the said firstly-recited Act.

In special Inquiries on Charges of Misconduct, the Persons may be heard by Counsel.

III. And

General not to be altered by particular Rules without Secretary of State's Consent.

III. And be it enacted, That whenever any general Rule of the said Commissioners shall be in force, it shall not be lawful for the said Commissioners to issue any particular Rule, Order, or Regulation, addressed to any single Parish or Union, by which such general Rule or any Part thereof would be rescinded or suspended, unless One of Her Majesty's Principal Secretaries of State have first signified to the said Commissioners his Approval of such particular Rule in Writing.

Time of Operation of certain Rules and Orders in Cases of Urgency.

IV. And be it enacted, That every Order of the said Commissioners suspending or dismissing any paid Officer from the Exercise of his Office, in which the said Commissioners shall declare that the Urgency of the Case requires that such Order should take effect within the Period of Fourteen Days, shall come into force at such Time as the said Commissioners shall in such Order direct, notwithstanding that Fourteen Days shall not have expired since a written or printed Copy of the same shall have been sent by the said Commissioners, as required by the first-recited Act.

Guardians, &c. may set occasional Poor to work.

V. And be it enacted, That it shall be lawful for the Guardians of any Parish or Union, subject always to the Powers of the Poor Law Commissioners, to prescribe a Task of Work to be done by any Person relieved in any Workhouse, in return for the Food and Lodging afforded to such Person; but it shall not be lawful to detain any Person against his Will for the Performance of such Task of Work for any Time exceeding Four Hours from the Hour of Breakfast in the Morning succeeding the Admission of such Person into the Workhouse; and if any such Person, while in such Workhouse, refuse or neglect to perform such Task of Work suited to his Age, Strength, and Capacity, or wilfully destroy or injure his own Clothes, or damage any of the Property of the Board of Guardians, he shall be deemed an idle and disorderly Person within the Meaning of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of* Great Britain *called* England.

Penalty for not doing Work.

5 G. 4. c. 83. s. 3.

Guardians to have the like Powers as Overseers with regard to Lunatics.

9 G. 4. c. 40.

VI. And be it enacted, That every Board of Guardians appointed under the Provisions of the said first-recited Act, or acting under the Regulations of the said Commissioners for the Relief of the Poor, and the Relieving Officers of such Guardians, shall have the like Powers as Overseers have with respect to Insane Persons under the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in* England, or of any Act or Acts passed to amend the same; and every such Board of Guardians shall from Time to Time pay or cause to be duly paid to the Treasurer, Managers, or Keepers of any County Lunatic Asylum, Public Hospital, or licensed House respectively, all Costs lawfully due in respect of any poor Person maintained in such County Lunatic Asylum, Public Hospital, or licensed House, and if such Costs shall not be duly paid by such Board of Guardians or Overseers of the Parish to which such poor Person may have been chargeable according to the Provisions of the said recited Acts, then and in such Case it shall be lawful for any Two Justices to proceed to the Recovery of the said Costs, by making and enforcing an Order for the same on the Overseers of the aforesaid Parish, according to the Provisions of the said recited Acts; and it shall be lawful for any such Board of Guardians to contract with any Person duly licensed to practise as a Medical Man to certify as to the State and Condition of Insane Persons under the Provisions of the last-recited Act; and whenever any Insane Person is relieved by any such Board of Guardians or any of their Officers, the Relieving Officer within whose District the Parish is situate to which such Person may be chargeable, or in which such Person may be found destitute, shall give the like Information to some Justice of the Peace acting for the Division of the County within which such Parish is situated as is required by the said Act of the Reign of King *George* the Fourth of Overseers, and subject to the like Penalties for Neglect; and the Clerk to every such Board of Guardians shall on the Fifteenth Day of *August* in every Year, or as soon after as may be, make out and sign Two true and faithful Lists of all Insane Persons chargeable to the Parish or Union in the Form in the Schedule hereunto annexed, and shall on or before the First Day of *September* next succeeding transmit One Copy of such List to the Clerk of the Peace acting in and for the County within which the Parish to which each such Insane Person is chargeable is situated, or to his Deputy, to be by him laid before the Justices acting for such County at their next General Quarter Sessions, and the other Copy of such List to the said Commissioners; and from and after the passing of this Act the Overseers of any such Parish, or of any Parish within any such Union, shall not be required to make the annual Return required of them by the said Act of the Reign of King *George* the Fourth.

A Parish more than 4 Miles from Place of Meeting of Guardians may be formed into a Relief District.

VII. And be it enacted, That whenever the whole of any Parish or Parishes is situated at a greater Distance than Four Miles from the Place of Meeting of the Board of Guardians of the Union of which such Parish or Parishes may form Part, it shall be lawful for the Commissioners, on the Application of the Board of Guardians, to form such Parish or Parishes into a District, and to direct the said Guardians from Time to Time to appoint a Committee of their Members to receive Applications of poor Persons requiring Relief in such District, to examine into the Cases of such poor Persons, and to report to the said Guardians thereon.

Determination of Disputes as to Election, &c. of Guardians.

VIII. And be it enacted, That in case any Question shall arise as to the Right of any Person to act as an elective Guardian it shall be lawful for the Commissioners, if they shall see fit, to inquire into the Circumstances of the Case, and to issue such Order or Orders therein, under their Hands and Seal, as they may deem requisite for determining the Question; and no such Order shall be liable to be removed by Writ of Certiorari into the Court of Queen's Bench unless the Application for such Writ shall be made during the Term next after the issuing of such Order.

IX. And

Resignation of Candidates.

IX. And be it enacted, That if any Person put in Nomination for the Office of Guardian tender to the Officer conducting the Election of Guardians his Refusal in Writing to serve such Office, the Election of Guardians, so far as regards such Person, shall be no further proceeded with.

Continuance of Guardians in Office.

X. And be it enacted, That in every Case in which no Person shall be elected for the Office of Guardian in any Parish at any annual Election of Guardians, the Persons elected for the previous Year may continue to act as Guardians until the next annual Election.

Commissioners may accept Resignations and order new Elections.

XI. And be it declared and enacted, That the said Commissioners may accept the Resignation of any Person elected as a Guardian tendered for any Cause which the Commissioners may deem reasonable; and in every Case of Omission to elect, or of Vacancy in any Board of Guardians, by Death, Resignation, or Disqualification, the said Commissioners shall be and shall be deemed to have been empowered to order a new Election for the Completion of such Board.

In case of Vacancy remaining Guardians to act.

XII. And be it declared and enacted, That in case the full Number of Guardians shall not be or shall not have been elected at any Election of Guardians, or in case of any Vacancy in any Board of Guardians by the Death, Removal, Resignation, Refusal, or Disqualification to act of any elected Guardian, the other or remaining Members of the said Board, being not less than Three, shall be and be deemed to have been competent to act until the next Election, or until the Completion of the said Board, as if the Number of such Board were complete, and that no Acts or Proceedings shall be liable to be questioned on account of any Failure to elect any Guardian or Guardians, or on account of any Vacancy as aforesaid.

De facto Guardians.

XIII. And be it declared and enacted, That no Defect in the Qualification or Election of any Person acting as a Guardian at a Board of Guardians, the Majority of Persons assembled at which shall be entitled to act as Guardians, shall be deemed to vitiate or make void any Proceedings of such Board in which he may have taken Part.

Paid Officers and others incapable of serving as Guardians.

XIV. And be it enacted, That no Person, during the Time for which he may serve or hold the Office of Assistant Overseer of any Parish, nor any paid Officer engaged in the Administration of the Laws for Relief of the Poor, nor any Person who, having been a paid Officer, shall have been dismissed within Five Years previously from such Office, under the Provisions of the said first-recited Act, shall be capable of serving as a Guardian; and no Person receiving any fixed Salary or Emolument from the Poor Rates in any Parish or Union shall be capable of serving as a Guardian in such Parish or Union.

Ex-officio Guardians not incompetent to act as Justices.

XV. 'And whereas Doubts have been entertained whether Justices of the Peace who are *ex officio* 'Members of Boards of Guardians of Parishes or Unions under the Provisions of the first-recited Act 'can lawfully act as Justices of the Peace in Cases in which the Guardians of such Parishes or Unions 'are Complainants, or are otherwise interested or concerned, and it is expedient that such Doubts 'should be removed;' be it therefore enacted, That no Justice of the Peace shall be disabled from acting as such Justice at any Petty or Special or General or Quarter Sessions in any Matter merely on the Ground that such Justice of the Peace is an *ex officio* Member of any Board of Guardians complaining, interested, or concerned in such Matter, or has acted as such at any Meeting of such Board of Guardians.

Corporate Powers of Board of Guardians.

XVI. And be it enacted, That it shall be lawful for every Board of Guardians constituted under the said first-recited Act to accept, take, and hold, on behalf of the Union or Parish respectively for which they may act, any Lands, Buildings, Goods, Effects, or other Property as a Corporation, and in all Cases to sue and be sued in their Corporate Name.

Mode of Application to Justices, &c. by Boards of Guardians.

XVII. And be it enacted, That wherever a Board of Guardians is empowered to make any Order, or to prefer any Complaint, Claim, or Application, before Justices or otherwise, if any such Board resolve to make such Order, or to prefer such Complaint, Claim, or Application, a Copy of the Minute of such Resolution, signed by the presiding Chairman of such Board, and sealed with their Seal, and countersigned by their Clerk or Person acting as their Clerk, shall be deemed and taken to be sufficient Proof of the making of such Order, or of the preferring of such Complaint, Claim, Application, or otherwise, as the Case may be; and that whenever, either for the Purpose of making an Order for the Removal of a Pauper, or on the Trial of an Appeal against such Order, or for any other Purpose, it shall be necessary to prove to what Parish a Pauper has become chargeable, (if in such Parish the Laws for the Relief of the Poor shall be administered by a Board of Guardians or a District Board,) a Certificate of such Pauper having so become chargeable, signed, sealed, and countersigned as aforesaid, shall be sufficient Proof to what Parish and at what Time such Pauper became and was chargeable, unless the contrary shall be proved by other legal Evidence; and that in all Cases in which the Guardians of any Parish or Union are or may hereafter be empowered to make any Application or Complaint, or to take any Proceedings before any Justices at Petty or Special or General or Quarter Sessions, it shall be lawful for any Officer of such Guardians empowered by any Board of such Guardians, by an Order in Writing, under the Hand of the presiding Chairman of such Board, and sealed with the Common Seal of such Guardians, to make such Application or Complaint, or to take such Proceedings on behalf of such Guardians, as effectually to all Intents and Purposes as if the same were made or taken by such Guardians, or any of them, in Person.

Guardians may authorize their Officers to take legal Proceedings.

Construction.

XVIII. And be it enacted, That the said Act of the Fifth Year of the Reign of His late Majesty, and the Act passed in the Sixth Year of the Reign of His said Majesty, intituled *An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations of Parishes in* England *and* Wales, and the Act passed in the Seventh Year of the Reign of His said Majesty, intituled *An Act to regulate*

4 & 5 W. 4. c. 76.
5 & 6 W. 4. c. 69.
6 & 7 W. 4. c. 96.

regulate Parochial Assessments, and so much of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as relates to the Style of the Poor Law Commissioners, their Appointment, the Delegation of Powers to One of their Number, the Sittings of their Board, their Common Seal, and the Residence of One of their Number in *Ireland*, and all Acts to amend or extend any of the said Acts, or the said Provisions of the Act last recited, and the present Act, shall (except so far as the Provisions of any former Act shall be expressly altered or amended by the Provisions of any subsequent Act,) be construed as One Act; and that in each and every such Act (except the said Act for the more effectual Relief of the destitute Poor in *Ireland*) the Words "Auditor," "Guardian," "Justice or Justices of the Peace," "Oath," "Officer," "Overseer," "Owner," "Rack-rent," "Parish," "Person," "Poor," "Poor Laws," "Laws for Relief of the Poor," "Roor Rate," "General Quarter Sessions," "Union," "United Workhouse," "Vestry," "Workhouse," and Words importing the Singular Number or the Masculine Gender only, shall be interpreted as is provided in the first-recited Act; and that the Provisions of the said first-recited Act shall extend to every Rule, Order, or Regulation directed or authorized to be made by the said Commissioners under the Provisions of an Act passed in the Seventh Year of His said late Majesty, intituled *An Act for registering Births, Deaths, and Marriages in* England, or by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to extend the Practice of Vaccination*.

1 & 2 Vict. c. 56. ss. 118. to 122.
1 & 2 Vict. c. 25. s. 2.
7 W. 4. & 1 Vict. c. 50.
2 & 3 Vict. c. 84.
6 & 7 W. 4. c. 86. s. 10.
3 & 4 Vict. c. 29.

Act limited to England and Wales.

XIX. And be it enacted, That, except so far as is herein-before expressly excepted, and so far as the Continuance in Office or Appointment of the said Commissioners, their Assistant Commissioners, Secretary, Assistant Secretaries, and other Officers and Persons appointed by them, and their Removal, no Part of this Act shall extend to *Ireland*.

Act may be amended, &c. this Session.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE.

FORM:—ANNUAL RETURN.

A TRUE LIST of all INSANE PERSONS, LUNATICS, and IDIOTS chargeable to the Parishes comprised within [such Part of] the Union [as is situate] in the County of ; specifying the Names, Sex, and Age of each, and whether dangerous or otherwise, and for what Length of Time they have been supposed to be of unsound Mind, and where confined, or how otherwise disposed of.

Name.	Age.	Sex.	Parish to which chargeable.	Where maintained.					Weekly Cost of Maintenance and Clothing.	Whether Lunatic or Idiot.	Dangerous to himself or others.	Of dirty Habits.	For what Length of Time supposed to be of unsound Mind.	Observations.
				In a County Asylum, and what Asylum, and when sent thither.	In a licensed House, and where and when sent thither.	In the Union Workhouse.	In Lodgings, or boarded out, and where.	Residing with Friends, and where.						

Signed by me, this 15th Day of August 18 ,

A.B.,

Clerk to the Board of Guardians of the said Union.

CAP. LVIII.

An Act for further suspending, until the First Day of *October* One thousand eight hundred and forty-three, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions. [30th *July* 1842.]

'WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage;* and the said Act contains certain temporary Provisions relating to the State and Jurisdiction of all the Ecclesiastical Courts in *England* and *Wales:* And whereas the said temporary Provisions, having been from Time to Time continued by certain other Acts of Parliament, were further continued, together with a further Provision respecting the Visitations of Bishops and Archdeacons, and now stand continued by an Act passed in the Fifth Year of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, until the First Day of *August* next, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the said temporary Provisions, and such further Provisions as aforesaid, should be further continued for a limited Time:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the last-recited Act as relates to the said temporary Provisions, and to the Visitations of Bishops and Archdeacons, shall continue and be in force until the First Day of *October* in the Year One thousand eight hundred and forty-three. 6&7 W. 4. c. 77. ss. 20. 25. 4&5 Vict. c. 39. s. 28. Existing Ecclesiastical Courts not to be affected by Diocesan Changes for another Year.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c. this Session.

CAP. LIX.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-three an Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade. [30th *July* 1842.] 1&2 Vict. c. 102.

CAP. LX.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-three certain Turnpike Acts. [30th *July* 1842.]

'WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for removing Doubts as to the Continuance of certain Local Turnpike Acts,* whereby all the Local Acts for regulating, making, amending, or repairing Turnpike Roads in *Great Britain* (except as therein excepted), which, unless continued by some Public General Act, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, and at or before the End of the Session of the Year One thousand eight hundred and forty-one, were further continued: And whereas the said and also other like Acts will expire at the End of this Session of Parliament: And whereas it is expedient that all the said Acts be further continued;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Acts (except as excepted in the first-recited Act) shall continue in force until the First Day of *October* in the Year One thousand eight hundred and forty-three. 4&5 Vict. c. 9. Continuance of Acts referred to until 1st Oct. 1843.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c. this Session.

CAP. LXI.

An Act to provide for the better Government of *South Australia.* [30th *July* 1842.]

'WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to empower His Majesty to erect* South Australia *into a* British *Province or Provinces, and to provide for the Colonization and Government thereof:* And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Fourth and Fifth Years of His late Majesty, empowering His Majesty to erect* South Australia *into a* British *Province or Provinces:* And whereas it is expedient that the said Acts should be repealed, and that Provision should be made for the better Government of the said Colony;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall be repealed. 4&5 W. 4. c. 95. 1&2 Vict. c. 60. Repeal of recited Acts.

II. Provided always, and be it enacted, That all Laws and Ordinances heretofore passed under the Authority and in pursuance of the said recited Acts or either of them, and that all Things heretofore lawfully done in virtue of the said Acts or of either of them, shall hereafter be of the same Validity as if the said Acts had not been repealed (save only so far as respects any such Laws, Ordinances, or Things relating All Laws passed under the said Acts confirmed. Saving.

relating to the future Appropriation of the Revenue of the said Colony, or such casual or territorial Revenue as may accrue to Her Majesty within the same, or the future Liability of such Revenues to any Charges to which the same may have been made subject).

Continuance of Actions by or against Colonization Commissioners.

III. And be it enacted, That any Suits or Actions heretofore brought or hereafter to be brought by or against the Colonization Commissioners for *South Australia*, in respect of any thing done before the passing of this Act, may, notwithstanding the Repeal of the said Acts, be prosecuted and proceeded with in the same Manner in every respect as if the said Acts had not been repealed; and that in respect of any thing done before the Repeal of the said Acts, the said Commissioners shall be competent to sue, and be liable to be sued, in the same Manner in all respects as if the said Acts had not been repealed.

Convicts not to be sent to South Australia.

IV. And be it enacted, That no Person or Persons convicted in any Court of Justice in *Great Britain* or *Ireland*, or elsewhere, shall at any Time, or under any Circumstances, be transported as a Convict to any Place within the said Province.

Legislative Council may be established.

V. And be it enacted, That it shall be lawful for Her Majesty, by any Commission or Commissions to be by Her Majesty from Time to Time issued under the Great Seal of the United Kingdom, or by any Instructions under Her Majesty's Signet and Sign Manual, to be from Time to Time issued with the Advice of Her Majesty's Privy Council, to constitute within the said Colony a Legislative Council, consisting of the Governor and of Seven other Persons at the least, which Legislative Council shall be authorized to make Laws for the Peace, Order, and good Government of the said Colony; and it shall be lawful for Her Majesty, by any such Commission or Commissions or Instructions as aforesaid, either to appoint such Councillors by Name, or otherwise to provide for the Selection and Appointment of them, as to Her Majesty shall seem meet; and it shall also be lawful for Her Majesty, in manner aforesaid, to prescribe all such Rules and Orders as to Her Majesty shall seem meet respecting the Tenure of the Offices of such Councillors, and respecting the Course and Manner of Proceeding to be by the said Legislative Council observed in the Enactment of Laws, and respecting the Transmission of such Laws for the Confirmation or Disallowance of Her Majesty, or the Reservation of them for the Signification of Her Majesty's Pleasure, and respecting the Effect of any such Disallowance or Reservation, all which Rules and Orders shall, within the said Colony, have the Force and Effect of Law, until the same shall have been revoked or altered by Her Majesty in manner aforesaid.

General Assembly may be convened.

VI. And be it enacted, That it shall be lawful for Her Majesty, by any such Commission or Commissions or Instructions as aforesaid, to convene a General Assembly, to be elected by the Freeholders and other Inhabitants of the said Colony, in such and the same Manner as if this Act and the said recited Acts had not been passed, and to authorize the Governor for the Time being of the said Colony, with the Advice and Consent of the said General Assembly, and of a Legislative Council, to be by Her Majesty for that Purpose appointed, to make Laws for the Peace, Order, and good Government of the said Colony, or it shall be lawful for Her Majesty, in manner aforesaid, to constitute a General Assembly, for the Purposes aforesaid, consisting of a single House of General Assembly alone, which one House of General Assembly shall be composed, in such Proportions as to Her Majesty may seem meet, of Members to be nominated by Her Majesty, and of other Members to be elected by such Freeholders or other Inhabitants; and it shall be lawful for Her Majesty, by any such Commission or Commissions or Instructions as aforesaid, to establish such Rules and Orders as to Her Majesty shall seem meet for the Nomination or Election of the Members of the said General Assembly, as the Case may be, and to determine how and where such Election shall be holden, and for that Purpose to divide or to provide for the Division of the said Colony into Electoral Districts, and to determine what shall be the Qualification of the Persons so to be elected, and of the Voters at any such Elections, and to regulate all other Things for which it may be expedient to provide, in order to the Meeting of any such General Assembly; and it shall also be lawful for Her Majesty, by any such Commission or Instructions as aforesaid, to reserve to the Governor of the said Colony the exclusive Right of initiating all Votes of public Money in such General Assembly, and to establish all such Rules and Orders in reference to any Laws to be made by the said General Assembly as are herein-before mentioned in reference to any Laws to be made by the said Legislative Council.

Regulating Rate of Interest on Commissioners Bonds.
4 & 5 W. 4. c. 95. s. 18.
1 & 2 Vict. c. 60. s. 2.

VII. 'And whereas by the herein-before recited Acts the Colonization Commissioners for *South* '*Australia* were authorized and empowered, for defraying the necessary Costs, Charges, and Expences of 'founding the said intended Colony, and for providing for the Expences of the said Commissioners, and for 'defraying all Costs, Charges, and Expences incurred in carrying the said Acts into execution, and in 'applying for and obtaining the same, from Time to Time to borrow and take up at Interest, not exceeding 'Ten Pounds *per Centum per Annum*, any Sum or Sums of Money, not exceeding in the whole Two hundred thousand Pounds, by granting or issuing, to any Person or Persons willing to advance such Monies, 'Bonds or obligatory Writings, under their Hands and Seals, to be termed "*South Australia* Colonial 'Revenue Securities," or by selling or granting Perpetual Annuities, or Annuities for any Life or Lives, 'or for any Term or Terms of Years, on such Terms as to the said Commissioners should appear to be 'reasonable; and it was further provided and declared, that all such Sum or Sums of Money so borrowed 'or taken up, and all such Annuities to be granted as aforesaid, should be a Charge upon the ordinary 'Revenue or Produce of all Rates, Duties, and Taxes to be levied and collected within the said Province, 'and should be deemed and taken to be a public Debt owing by the said Province; and it was also 'provided, that it should be lawful for the said Commissioners at any Time to borrow or take up any Sum 'or Sums of Money for the said Purposes at a lower Rate of Interest than any Security or Securities 'previously given by them might bear, and therewith to pay off and discharge such previously existing 'Security or Securities bearing a higher Rate of Interest, and likewise to repurchase and redeem the said

'Annuities

'Annuities so often as it should appear that the Charge created thereby could be reduced: And whereas, 'in pursuance of the said Powers, the said Commissioners did from Time to Time borrow and take up 'several Sums of Money, at the said yearly Rate of Interest of Ten Pounds by the Hundred, and did 'grant certain Annuities, with Power to redeem the same, by Payment at the Rate of One hundred 'Pounds for every Six Pounds of such Annuities, and did give or grant certain Bonds or Writings 'obligatory for the Sums so borrowed or taken up, or for securing the said Annuities, which said Bonds 'are still outstanding and unpaid: And whereas the Holders of the said Bonds or Writings obligatory 'have signified in Writing their Consent to receive, instead of the said Rates of Interest or Annuity, one 'uniform yearly Rate of Three Pounds Ten Shillings by the Hundred upon the Principal Sums secured 'by the said Bonds, or payable in redemption of the said Annuities, provided the regular Payment of the 'said reduced Rate of Interest or Annuity be duly assured to them; and it is expedient that such 'Assurance should be given, and that Provision should be made for the due and regular Payment of the 'said reduced Interest or Annuities;' be it therefore enacted, That from and after the passing of this Act the Holders of the said Bonds or Writings obligatory shall be entitled to receive Interest or Annuities on the several Sums so secured or covenanted to be paid as aforesaid, and which said Sums amount in all to Eighty-five thousand eight hundred Pounds, at one uniform yearly Rate of Three Pounds Ten Shillings by the Hundred only.

Interest may be charged on Consolidated Fund of the United Kingdom.

VIII. And for the better and more perfect Assurance of the due Payment of the said Interest or Annuities, be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, if he or they shall be satisfied that the general Revenue of the said Province of *South Australia* is insufficient (after defraying the necessary Costs and Charges of the Civil Government, and of the due Administration of Justice, and the Maintenance of Peace, Order, and good Government therein,) for the Payment of the Interest or Annuities upon the said Sums secured or covenanted to be paid by the said Bonds or Writings obligatory, or any Part thereof, to authorize and direct the Issue out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce of the said Fund, to such Person or Persons as they shall appoint, of such Sum or Sums as shall be required for paying such Interest or Annuities as above mentioned, at the several respective Rates at which the same are now payable, as shall have accrued or become due previously to the passing of this Act, and shall not have been paid, or that may hereafter accrue and become due at the reduced Rate before mentioned, or for paying any Part thereof: Provided always, that the several Principal Sums secured by the said Bonds or Writings obligatory shall remain and be a Charge on the Revenues of the said Colony, and nothing herein contained shall be taken to relieve the said Revenues from the said Charge, or from the Charge of the Interest or Annuities due or that may hereafter become due in respect thereof, or of any Portion or Portions of such Interest or Annuities as shall be paid out of the Consolidated Fund of the United Kingdom in the Manner before mentioned, or from repaying to the said Consolidated Fund, under such Regulations as may be from Time to Time made in that respect by the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, such Sums as may have been from Time to Time paid out of the said Consolidated Fund on account thereof.

The Sum of 155,000*l.* advanced under 4 & 5 Vict. c. 13. to be taken to have been granted in aid of the Revenues of South Australia. 4 & 5 Vict. c. 13.

IX. 'And whereas from the Insufficiency or Failure of the Means provided by the said before-recited 'Acts for defraying the Costs, Charges, and Expences of founding the said Colony, and of providing for 'the Government thereof, and for the other Expences, Costs, and Charges mentioned in the said first-'recited Act, it became necessary that further Aid should be granted for that Purpose; and by an Act 'passed in the Fourth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of a Sum 'of Money out of the Consolidated Fund on account of the Colony of* South Australia, the Commissioners 'of Her Majesty's Treasury were empowered to advance and lend to the Colonization Commissioners for '*South Australia* for the Time being, out of the Consolidated Fund of the United Kingdom of *Great* '*Britain* and *Ireland*, any Sum or Sums of Money, not exceeding One hundred and fifty-five thousand 'Pounds in the whole, at such Rate of Interest as the said Commissioners of Her Majesty's Treasury 'should direct, the same to be applied for the Payment of Bills drawn and Expences incurred on account 'of the Colony of *South Australia;* and it was further enacted, that the Repayment of all Advances so 'made, with the Interest accruing thereon, should be secured in such Manner as might be provided by 'any Act passed for that Purpose in the then Session of Parliament: And whereas in pursuance of the 'said Act certain Advances have been made for the Purposes therein mentioned, but it is not expedient 'that any further Claim should be made upon the said Colonization Commissioners, or upon the Revenues 'of the said Province, in respect of such Advances, or of any Interest thereon;' be it therefore enacted, That the said Sum of One hundred and fifty-five thousand Pounds shall be taken to have been granted in aid of the Revenues of *South Australia*, and that all further Claim for the Repayment thereof, or for Interest thereon, shall be abandoned.

Debentures on the Revenues of the Colony may be issued.

X. 'And whereas certain other Debts and Engagements have been incurred and contracted in respect 'of the said Colony, under the Powers of the said recited Acts, and it is necessary to make Provision 'for the Liquidation thereof, and for Payment of Interest thereon in the meantime;' be it therefore enacted, That it shall be lawful for the Governor of the Colony of *South Australia*, by and with the Consent of the Lord High Treasurer, or of any Three or more of the Commissioners of Her Majesty's Treasury, to make out and issue, in satisfaction of the said Debts, or of any Claims arising from or in respect thereof, Debentures, to be charged upon and payable from the Revenues of the said Colony, and to bear Interest in the meantime at a yearly Rate not exceeding Five Pounds by the Hundred, to be in

like Manner payable from the said Revenues: Provided always, that nothing herein contained shall be taken to relieve from Responsibility any Party or Parties who may have become or shall hereafter become accountable for the Application of any Portion or Portions of the said Sums so raised, or of any other Sums raised under the said recited Acts, or any of them, or in respect of any of the said Debts or Engagements remaining to be liquidated.

Civil List may be reserved.

XI. And be it enacted, That in the event of any such General Assembly being so convened as aforesaid it shall be lawful for Her Majesty, by any such Commission or Commissions or Instructions as aforesaid, to reserve and set apart from Her Majesty's Revenue arising within the said Colony such an annual Sum of Money, by way of Civil List, as may be necessary for the Maintenance and Support of the Civil Government and the Administration of Justice within the said Colony, provided that the same shall in no Case exceed the annual Sum or Sums that shall have been previously assigned for the said Purposes by the Legislative Council aforesaid, by and with the Approbation and Consent of Her Majesty, and likewise such further annual Sum or Sums of Money as shall be required for Payment of the Interest or Annuities herein provided for, or any Portion thereof, or the Interest on any such Debenture or Debentures as aforesaid that may be issued under the Provisions of this Act, and which said several Sums shall be reserved, issued, and applied, at such Time or Times, and in such Order and Manner, as Her Majesty shall by such Commission or Instructions authorize and direct.

When Act shall come into operation.

XII. And be it enacted, That this Act shall come into force and take effect within the said Colony from a Day to be for that Purpose appointed by the Governor of the said Colony, by a Proclamation to be by him for that Purpose issued, which Time shall not be more than One Calendar Month after the Receipt by such Governor of a Copy of this Act.

Meaning of "Governor."

XIII. And be it enacted, That within the Meaning of this present Act any Person lawfully administering the Government of the said Colony shall be taken to be the Governor thereof.

Act may be amended, &c. this Session.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXII.

An Act to extend the Provisions of an Act of the Fourth Year of Her present Majesty, for enabling the Commissioners of Wide Streets to sell, and Her Majesty to purchase, certain Hereditaments in the City of *Dublin*, on the North Bank of the River *Anna Liffey*.

[30th *July* 1842.]

11 G. 4. & 1 W. 4. c. cxviii.

'WHEREAS by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enable the Commissioners of Wide Streets to widen and improve certain Ways, Streets, and Passages in and about the City and County of* Dublin; *and to amend and extend the Provisions of Two Acts passed in the Forty-seventh and Fifty-seventh Years of the Reign of His late Majesty, for improving and rendering more commodious such Parts of the County and County of the City of* Dublin *as are situate on the South Side of the River* Anna Liffey *and West of His Majesty's Castle of* Dublin, and by certain other Acts therein recited, certain Commissioners therein named were authorized and empowered to improve and render more commodious certain Parts of the County and City of *Dublin*, and for that Purpose to purchase certain Lands, Buildings, and Hereditaments, and (amongst other Improvements) to complete the Opening of the Quay on the North Side of the River *Anna Liffey*, between *West Liffey Street* and *George the Fourth's Bridge* in front of the Royal Barracks:

4 & 5 Vict. c. 16.

And whereas by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable the Commissioners of Wide Streets to sell, and Her Majesty to purchase, certain Hereditaments in the City of* Dublin *on the North Bank of the River* Anna Liffey, reciting (among other things) that, in pursuance of the Powers in the said last-recited Act contained, the said Commissioners of Wide Streets, out of the Funds appropriated or available for the Purposes of the said Act, did purchase the Inheritance in Fee Simple of a Plot of Ground extending from *West Liffey Street*, along the North Bank of the River *Anna Liffey*, and lying between the said River and the Royal Barracks, to *King George the Fourth's Bridge*, on which were formerly standing certain Houses and Buildings forming the Streets called *Park Gate Street*, *Barrack Street*, *Windmill Court*, *West Liffey Street*, and *Flood Street* respectively; and reciting, that all the said Houses and Buildings, with the Exception of Eleven Dwelling Houses, which were specified in the Second Division of the Schedule to the Act now in recital annexed, had been taken down and entirely removed, and the Space on which the same formerly stood was then vacant; and reciting, that the said Eleven Dwelling Houses with the Appurtenances were subject to the Residue of a Term of Years, of which Twenty-seven Years or thereabouts were then unexpired, and the Interest of the Parties entitled thereto under the said Lease had not been purchased or taken by the said Commissioners of Wide Streets; and reciting, that as the Commissioners of Wide Streets were, under the Powers vested in them, directed to apply all Ground to be purchased by them for effecting the Improvements they were authorized to make as and for Building Ground and other specific Purposes, it was expedient, with a view to the Improvement of the Property of the Crown in the Vicinity of the Ground so purchased as aforesaid by the Commissioners of Wide Streets, and to the general Improvement of the said City of *Dublin*, that the said Ground should be purchased, and form Part of the Land Revenues of the Crown; it was enacted, that it should be lawful for the Commissioners of Wide Streets, mentioned in the said Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, to sell unto Her Majesty, Her Heirs and Successors, and for the Commissioners

'sioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of 'the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any 'Three of them, to purchase on the Behalf of Her Majesty, Her Heirs and Successors, (at a Price to be 'fixed by a Valuation to be made in manner therein-after directed,) the Fee Simple and Inheritance of 'all that Piece of Ground therein-before mentioned, and more particularly described in the First 'Division of the Schedule to the Act now in recital annexed, and the Eleven Dwelling Houses with the 'Appurtenances, described in the Second Division of the said Schedule, subject nevertheless, as to the said 'Eleven Dwelling Houses with the Appurtenances, and the Site on which the same stood, to such Term 'of Years or other Interest as was then outstanding therein; and it was enacted, that the said Heredita- 'ments, when purchased, should be conveyed to Her Majesty, Her Heirs and Successors, as Part of the 'Possessions and Land Revenues of Her Majesty, Her Heirs and Successors, in right of the Crown; and 'it was enacted, that for enabling the Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings to effect such Purchase as aforesaid, and to defray all Expences relating thereto, 'and also for the purchasing the Leasehold Interests of any Parties for the Time being entitled to the 'said Eleven Houses and Buildings as aforesaid, it should be lawful for the said Commissioners of Her 'Majesty's Treasury to raise any Sum not exceeding the Sum of Forty-three thousand Pounds, by Sale 'of a competent Part of the Sum of Eighty-three thousand eight hundred and fifty-one Pounds Nine 'Shillings and Four-pence Bank Three and a Half *per Centum* Annuities in *Ireland*, then standing in the 'Names of the Commissioners of Her Majesty's Treasury, and which was purchased with Monies which 'arose from the Sale of certain of the Crown Land Revenues in *Ireland:* And whereas by another Act 'passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for further* 4&5 Vict. c. lxiv. '*extending the Powers of several Acts for enabling the Commissioners of Wide Streets*, Dublin, *to widen* '*and improve certain Ways, Streets, and Passages in the City and County of* Dublin, *and for raising* '*Funds to enable the said Commissioners to carry the same into execution*, after reciting that an Act was 'passed in the Parliament of *Ireland* in the Thirty-first Year of the Reign of King *George* the Second, 'intituled *An Act for making a wide and convenient Way, Street, and Passage from* Essex Bridge *to the* 31 G. 2. (I.) '*Castle of* Dublin, *and for other Purposes therein mentioned*, and that several subsequent Acts were passed 'as well in the Parliament of *Ireland* as in the Parliament of the United Kingdom, whereby certain 'Powers were from Time to Time given to the Commissioners of Wide Streets for the Purpose of 'widening and improving certain Streets, Ways, and Passages in the County and County of the City of '*Dublin*, the last of which Acts was passed in the First Year of the Reign of Her present Majesty, and 'was intituled *An Act to extend, alter, and enlarge the Powers of several Acts for enabling the Commis-* 7 W. 4. & 1 Vict. '*sioners of Wide Streets in* Dublin *to widen and improve certain Ways, Streets, and Passages in the said* c. cxxvii. '*City and County of* Dublin, *and for raising further Funds to enable the said Commissioners to carry the* '*same into execution;* and reciting, that several of the Improvements and Alterations specified and set 'forth in the said Act of the First Year of the Reign of Her present Majesty were in progress and others 'yet remained to be perfected, but it had been found impossible to complete the same within the Time 'for that Purpose limited by the said last-mentioned Act; it was enacted, that the said Act of the First 'Year of the Reign of Her present Majesty, and the Acts therein recited or referred to, and all and every 'the Powers, Provisions, Matters, and Things in the said Acts contained, (save and except such Parts 'thereof as might be varied, altered, or repealed by the Act now in recital, and subject to the Provisions 'therein-after contained,) should be as effectual for carrying the Act now in recital into execution as if 'the same had been re-enacted in the Body of the Act now in recital, and should (save as aforesaid) 'extend, among other Purposes, to the Purpose following; (that is to say,) to complete the opening of 'the Quay on the North Side of the Rivey *Liffey*, between *West Liffey Street* and *King George the* 'Fourth's Bridge, in front of the Royal Barracks; and it was enacted, that the Powers of the Commis- 'sioners for the compulsory Purchase or taking of Messuages, Houses, Buildings, or Lands for the 'Purposes of the Act now in recital should not be exercised after the Expiration of Four Years from 'the passing thereof: And whereas, in pursuance of the Powers of the said recited Act of the Fourth 'Year of the Reign of Her present Majesty, the said Commissioners of Wide Streets contracted to sell, 'and the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with 'the Consent of the Commissioners of Her Majesty's Treasury, contracted to purchase, on behalf of Her 'Majesty, Her Heirs and Successors, at a Price to be fixed by a Valuation to be made in manner by the 'said Act directed, the Fee Simple and Inheritance of all that the said Plot of Ground extending from 'the West Side of *Liffey Street*, along the North Bank of the River *Anna Liffey*, and lying between the 'said River and the Royal Barracks, to *King George the Fourth's Bridge*, more particularly described in 'the First Division of the Schedule to the said Act annexed, and the Eleven Dwelling Houses, with the 'Appurtenances, described in the Second Division of the said Schedule, subject nevertheless, as to the 'said Eleven Dwelling Houses, with the Appurtenances, and the Site on which the same now stand, to 'such Term of Years or other Interest as was then outstanding therein: And whereas the Price to be paid for the said Plot of Ground and Premises so contracted to be sold and purchased (subject, as to 'the said Eleven Dwelling Houses, to such Term of Years or other Interest therein as aforesaid,) has 'been fixed, by a Valuation made in the Manner by the said Act directed, at the Sum of Sixteen 'thousand six hundred and thirty-one Pounds Fourteen Shillings and Five-pence; but in making such 'Valuation it has been considered that, to give Value to the said Ground, a Quay Wall must be con- 'structed along the North Bank of the River *Anna Liffey*, and a Roadway formed on the South Side

'of

'of the said Plot of Ground, at the Expence of the Purchasers thereof, and a Sum of Two thousand two 'hundred and seventy-nine Pounds and Ten Shillings has been allowed or deducted from the Price of 'the said Premises as the estimated Cost of constructing the said Quay Wall and Roadway: And whereas 'the Interests of the Parties entitled to the said Eleven Dwelling Houses, with the Appurtenances, for 'the Residue of the Terms unexpired therein, have not yet been purchased or contracted to be purchased; 'but it is estimated that the Sums necessary to be reserved for the Purchase of such Interests, and also 'for the Construction of the Quay Wall and Roadway herein-before mentioned, after Payment of the 'said Sum of Sixteen thousand six hundred and thirty-one Pounds Fourteen Shillings and Three-pence, 'the ascertained Price of the Fee Simple and Inheritance of the said Plot of Ground and Premises so 'contracted to be purchased, subject to such Interests as aforesaid, will not wholly exhaust the before-'mentioned Sum of Forty-three thousand Pounds, which by the said recited Act of the Fourth Year of 'Her Majesty's Reign the Commissioners of Her Majesty's Treasury were authorized to raise for the 'Purpose of effecting such Purchases as aforesaid; and it is expedient that the Surplus of the said Sum 'of Forty-three thousand Pounds should be appropriated to Improvements upon or in the Vicinity of 'the said Plot of Ground, as herein-after mentioned:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by Sale of a competent Part of the Bank Three Pounds Ten Shillings *per Centum* Annuities in *Ireland* standing in the Names of the said Commissioners, and which Annuities were purchased with Monies which arose from the Sale of certain of the Crown Land Revenues in *Ireland*, to raise and pay to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings such Sum or Sums of Money as, with the Monies already raised and paid to the said last-named Commissioners under the Authority of the said recited Act of the Fourth Year of Her Majesty's Reign, will make up in the whole the full Sum of Forty-three thousand Pounds authorized to be raised by the said recited Act.

Commissioners of the Treasury empowered to raise 43,000*l.* by Sale of Bank Annuities in Ireland, and to pay same to the Commissioners of Woods, &c.

II. And be it enacted, That the said Sums of Money so paid and to be paid as aforesaid, amounting in the whole to the Sum of Forty-three thousand Pounds, shall be applied by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in the first place, in Payment of the Price fixed to be paid for the Fee Simple and Inheritance of the said Plot of Ground and Premises so contracted to be sold by the Commissioners of Wide Streets, and to be purchased by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, Her Heirs and Successors, under the Authority of the said recited Act of the Fourth Year of Her Majesty's Reign as aforesaid, and in defraying all Expences incident to such Purchase, and, subject thereto, in purchasing the Leasehold or other Interests of the Parties entitled to the Eleven Dwelling Houses, with the Appurtenances, now standing on Part of the said Ground and Premises, and defraying the Expences of such last-mentioned Purchases, in straightening and completing the Opening of the Quay, and constructing a Quay Wall along the North Bank of the River *Anna Liffey* between *West Liffey Street* and *King George the Fourth's Bridge*, in front of the Royal Barracks, in forming a convenient Roadway on the South Side of the said Plot of Ground and Premises so contracted to be purchased as aforesaid, and in levelling, inclosing, laying out, and planting the said Plot of Ground or otherwise improving the same, and in Improvements immediately connected therewith, and in defraying the Expences of obtaining and passing the said recited Act of the Fourth Year of Her Majesty's Reign and this Act, and of carrying the same respectively into execution, and all other Expences relating thereto; and the Surplus (if any) of the said Sum of Forty-three thousand Pounds which shall remain after answering the Purposes aforesaid shall be applied to such Purposes as Monies to arise from the Sale of Land Revenues of the Crown in *Ireland* are now by Law applicable.

Application of such Money.

III. 'And whereas Powers have been given to the Commissioners of Wide Streets in *Dublin* by the 'several Acts herein-before recited or referred to, and by other Acts now in force, for the compulsory 'Purchase of the said Eleven Dwelling Houses, with the Appurtenances, herein-before described, for 'completing the Opening of the Quay on the North Side of the River *Anna Liffey*, for forming, 'stopping up, and diverting Roadways, Streets, and Passages, and for otherwise improving the Plot of 'Ground and Premises so contracted to be purchased on behalf of Her Majesty as aforesaid, and the 'immediate Vicinity thereof;' be it enacted, That all and singular the same Powers and Authorities which, by the several Acts herein-before recited or referred to, or by any other Act or Acts now in force, have been given to or are vested in the Commissioners of Wide Streets in *Dublin*, for the compulsory Purchase or taking of the Eleven Dwelling Houses, with the Appurtenances, herein-before described, for completing the Opening of the Quay on the North Side of the River *Anna Liffey*, for forming, stopping up, or diverting Streets, Ways, or Passages, and for otherwise improving the Plot of Ground and Premises so contracted to be purchased on behalf of Her Majesty as aforesaid, and the immediate Vicinity thereof, shall, so far as the same Powers and Authorities are applicable to the Objects and Purposes of this Act and the said recited Act of the Fourth Year of Her Majesty's Reign, be given to and vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the said last-named Commissioners shall have and enjoy the like Rights, Privileges, and Immunities in the Execution of this Act and the said recited Act of the Fourth Year of Her Majesty's Reign, as the said Commissioners of Wide Streets have and enjoy or are entitled to exercise in the Execution of their Acts or any of them.

Powers of Wide Street Commissioners vested in the Commissioners of Woods, so far as regards the Purposes of this Act.

IV. Pro-

IV. Provided always, and be it enacted, That none of the said Works and Improvements shall be undertaken, commenced, or carried on by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings without the previous Approval or Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being. Improvements to be made with Lord Lieutenant's Consent.

V. And be it enacted, That all Sums of Money to be raised and paid by the Commissioners of Her Majesty's Treasury under the Authority of this Act shall be placed to the Credit of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in the Bank of *Ireland*, and that all Payments to be made by the said last-named Commissioners in pursuance of this Act shall be made by Drafts on the Bank of *Ireland*. Monies to be placed in the Bank of Ireland, and paid by Drafts.

CAP. LXIII.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-three an Act for carrying into effect a Convention between Her Majesty and the King of the *French* relative to the Fisheries on the Coasts of the *British* Islands and of *France*. [30th *July* 1842.] 2 & 3 Vict. c. 96.

CAP. LXIV.

An Act for regulating the Priorities of Monies authorized to be charged on a Fund called "The *London Bridge* Approaches Fund." [30th *July* 1842.]

'WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Approaches to* London Bridge, it was enacted, that it 10 G. 4. c. cxxxvi.
'should be lawful for the Mayor, Aldermen, and Commons of the City of *London* to cause such spacious
'and convenient Streets, Ways, Passages, and Places to be designed, laid out, opened, widened, and made
'for making convenient and suitable Approaches to the new Bridge called "*London Bridge*," with
'Branches and Communications thereto, as therein is mentioned; and that for the Purposes aforesaid it
'should be lawful for the said Mayor, Aldermen, and Commons to borrow any Sum or Sums of Money,
'not exceeding in the whole the Sum of One million Pounds, upon the Credit of the Fund created by
'the now reciting Act as therein is mentioned, and that the Fund created by the now reciting Act should
'be charged (subject to any Mortgage or Mortgages to be made to the Solicitor of His Majesty's
'Treasury, as therein mentioned,) with the Annuities which should be secured by the Bond or Bonds to
'be executed as therein directed for securing the Repayment of the Sum or Sums of Money which should
'be so borrowed; and it was thereby further enacted, that for providing a Fund for the Purposes of the
'now reciting Act after the Fifth Day of *July* One thousand eight hundred and thirty-seven, when the
'Imposition of Sixpence for every Chaldron or Ton of Coals or Culm made and continued as in the Act
'is mentioned would cease, a like Imposition, Rate, or Duty of Sixpence for every such Chaldron of
'Coals and Culm and Small Coal imported into the Port of *London*, or the River *Thames* within the
'Liberty of the said City, should be and was thereby made payable for the Term of Twenty-one Years,
'to be computed from the said Fifth Day of *July* One thousand eight hundred and thirty-seven, unless
'the Sums of Money charged thereon should be sooner paid off and discharged, and in the same Manner
'in all respects as the said Imposition, Rate, or Duty of Sixpence was then payable; and it was thereby
'further enacted, that when and so soon as all the said Principal Sums raised, and all the Annuities
'charged on the Fund called "The Orphans Fund," should have been paid off and discharged, then the
'Imposition, Rate, or Duty of Four-pence for Metage *per* Chaldron upon Coals and Culm granted to
'the said Mayor and Commonalty and Citizens by the Act of the Fifth and Sixth Years of the Reign of
'King *William* and Queen *Mary* should be appropriated to and form Part of the Fund created by the
'now reciting Act for the Purposes thereof, until the Sums of Money charged thereon should be paid off
'and discharged: And whereas by an Act passed in the Eleventh Year of the Reign of His late Majesty
'King *George* the Fourth, intituled *An Act to make further Provision for defraying the Expences of* 11 G. 4. & 1 W. 4. c. lxiv.
'*making the Approaches to* London Bridge *and the Removal of* Fleet Market, it was (amongst other
'things) enacted, that all the Funds which before and at the Time of the passing of the said recited Act
'of the Tenth Year of the Reign of His late Majesty King *George* the Fourth constituted and formed
'the Fund called "The Orphans Fund," including the Duty of Four Shillings *per* Tun upon Wine
'imported into the Port of *London* or the Members thereof, by way of Merchandize, and the Sum of
'Two Shillings and Sixpence to be paid by every Apprentice at the Time of his Binding to any Master
'who was a Member of any of the respective Companies within the City of *London* and the Liberties
'thereof, and the Sum of Five Shillings to be paid by every Person admitted to be a Freeman of the City
'of *London* at the Time of his Admission, and also all the Aqueducts and Right of bringing and con-
'veying Water, and all the Improvements thereof, and Rents, Profits, and Benefits which might arise
'therefrom, and also the several annual Sums of Eight thousand Pounds, Two thousand Pounds, and
'One thousand five hundred Pounds respectively charged by several Acts therein mentioned upon the
'Estates and Revenues of the Mayor and Commonalty and Citizens of the City of *London*, should, from
'and after the passing of the said recited Act of the Tenth Year of the Reign of His said late Majesty
'King *George* the Fourth, be held chargeable with the raising and paying off the Capital Sum of One
'million Pounds, with Interest thereon, allowed to be raised under the Provisions of the said before
'recited Act for executing the Improvement of the said Approaches, in addition to the Capital Debt
'remaining charged thereon before the passing of the said Act; and all such several and respective Funds

'as were not permanent should, after all the Principal Sums raised and borrowed, and all the Annuities 'charged upon the said Fund called "The Orphans Fund," and then due and owing, had been paid off 'and discharged, be continued, and the whole thereof be applicable to the Purposes of the said Act of 'the Tenth Year of the Reign of His late Majesty King *George* the Fourth, and of the now reciting Act, 'until the Sums charged and to be charged thereon by virtue of the same Acts respectively should be 'paid off; and it was further enacted, that it should be lawful for the said Mayor, Aldermen, and Com-'mons, at any Time or Times after the passing of the now reciting Act, to borrow and raise any Sum or 'Sums of Money, not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds, upon 'the Credit of the Fund created for improving the Approaches to *London Bridge* as aforesaid: And 'whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled
1 & 2 Vict. c. e. '*An Act for improving the Site of the* Royal Exchange *in the City of* London, *and the Avenues adjoining* 'thereto, it was enacted, that for the Purposes of that Act it should be lawful for the said Mayor, Alder-'men, and Commons to borrow and raise any Sum or Sums of Money not exceeding in the whole the 'Sum of One hundred and fifty thousand Pounds, upon the Credit of the Fund created for improving the 'Approaches to *London Bridge* by the said respective Acts of the Tenth and Eleventh Years of the 'Reign of His late Majesty King *George* the Fourth as aforesaid; and it was further enacted, that the 'Fund created for improving the Approaches to *London Bridge* as aforesaid should be and the same was 'thereby charged and made chargeable with the Annuities which should be secured by the Bond or 'Bonds to be executed as therein directed for securing the Repayment of any Sum or Sums of Money 'which might be borrowed as therein mentioned; and it was thereby further enacted, that all such several 'and respective Funds constituting or forming Part of the said Fund created for improving the Approaches 'to *London Bridge* as were not permanent, after all the Principal Sums raised and borrowed, and all the 'Annuities charged upon the said Fund and then due, had been paid off, should be and were thereby 'continued until the Annuities and Sums charged and to be charged thereon by virtue of the now reciting 'Act should be paid off; provided nevertheless, that the Rates or Duties which by the said Act of the 'Tenth Year of the Reign of King *George* the Fourth were continued for a Term which would expire on 'the Fifth Day of *July* One thousand eight hundred and fifty-eight, unless the Sums charged thereon 'should be sooner paid off and discharged, should not be continued by the now reciting Act beyond the 'said Fifth Day of *July* One thousand eight hundred and fifty-eight: And whereas by an Act passed in
2 & 3 Vict. c. 80. 'the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to empower the* 'Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum 'of Money for making additional Thoroughfares in the Metropolis, after reciting (amongst other things) 'that it had been proposed to open such convenient Thoroughfares as therein is mentioned, it was enacted, 'that the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings should be appointed Commissioners for executing and completing the several Alterations 'and Improvements therein-before mentioned, and for carrying the Purposes of the Act now in recital 'into execution; and that for providing a Fund for the Purposes of the Act now in recital it should be 'lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings 'for the Time being, from Time to Time, with the Consent of the Lord High Treasurer of the United 'Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for executing the Office of Lord High 'Treasurer of the said United Kingdom, or any Three or more of them, to charge the Funds therein-'after mentioned, and made subject as therein-after mentioned, with the Payment of any Sum or Sums of 'Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, together with Interest 'on the Sum or Sums to be charged from the Time of charging the same, not exceeding Five Pounds *per* 'Centum per Annum, to be payable half-yearly; and that the said Fund called "The Orphans Fund," 'and the Fund called "The *London Bridge* Approaches Fund," and all and singular the Funds, Duties, 'Impositions, and Revenues created, constituted, imposed, or continued by the said therein recited Acts 'of the Tenth Year of the Reign of King *George* the Fourth, the Eleventh Year of the Reign of King 'George the Fourth, and the First and Second Years of the Reign of Her present Majesty, should be the 'Fund to be charged by Her Majesty's said Commissioners, and should be applicable, after the Sums 'already borrowed thereon should have been paid off, to the Payment of all such Monies as might be so 'charged thereon by the Commissioners for executing the Act now in recital, and the Interest thereof, 'until the Sum or Sums, and Interest to be charged thereon, as last aforesaid, should be paid off; and 'that the Funds so to be charged as aforesaid should (subject as aforesaid) be paid and applied in Satis-'faction and Discharge of all Monies to be charged thereon by the said Commissioners of Her Majesty's 'Woods, Forests, Land Revenues, Works, and Buildings as aforesaid, and the Interest thereof, in such 'Manner and from Time to Time as the same should be received, and as the said Commissioners for 'executing the Act now in recital should direct; and that for the Purposes of the Act now in recital 'it should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings, by and with the Consent of the Lord High Treasurer, or of the Commissioners of Her 'Majesty's Treasury, for the Time being, to borrow and raise any Sum or Sums of Money, not exceeding 'in the whole the Sum of Two hundred thousand Pounds, upon the Credit of the said Monies and Interest 'so charged, and thereupon to assign and dispose of the Principal Monies and Interest, which the said 'Commissioners were thereby authorized to charge as aforesaid, in such Shares, and by way of Debenture 'or otherwise, and with such Priorities, and in such Manner, as the said Commissioners should think fit, as 'a Security for the Monies so to be borrowed; and that it should be lawful for the Lord High Treasurer, 'or the Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them, if

'he

'he or they should think it expedient, from Time to Time to lend, out of the Consolidated Fund of the 'United Kingdom of *Great Britain* and *Ireland*, to the said Commissioners of Her Majesty's Woods, 'Forests, Land Revenues, Works, and Buildings for the Time being, any Sum or Sums of Money, for 'the Purposes of the Act now in recital, not exceeding the Sum of Two hundred thousand Pounds, on 'the Credit of the said Monies which the said Commissioners of Her Majesty's Woods, Forests, Land 'Revenues, Works, and Buildings were thereby authorized to charge, upon such Security being given 'for the Repayment thereof, with such Rate of Interest not exceeding Five Pounds *per Centum per* '*Annum*, and at such Times and Manner, as the said Lord High Treasurer, or Commissioners, or any 'Three or more of them, should direct; and that such Parts of the Fund therein-before made applicable 'to the Purposes of the Act now in recital, and which were thereby authorized to be charged, as were 'not permanent, after all the Principal Sums raised and borrowed, and all the Annuities charged upon 'the said Fund and then due, had been paid off, should be continued in all respects as was directed by 'the said Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, until the 'Sums charged and to be charged thereon by virtue of the Act now in recital should be paid off; and 'in the Act now in recital was contained a Proviso, that the Rates or Duties which by the said Act of 'the Tenth Year of the Reign of King *George* the Fourth were continued for a Term which would 'expire on the said Fifth Day of *July* One thousand eight hundred and fifty-eight, unless the Sums of 'Money charged thereon should be sooner paid off and discharged, should not be continued beyond the 'said Fifth Day of *July* One thousand eight hundred and fifty-eight: And whereas by an Act passed in 'the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to enable Her* 3 & 4 Vict. c. 87.
'*Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional* '*Thoroughfares in the Metropolis*, it was enacted, that it should be lawful for the Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being to make the 'several new Streets, Improvements, and Alterations therein-before mentioned, and to carry the Purposes 'of the Act now in recital into execution, in manner therein-after mentioned; and that the said Funds 'by the said Act lastly herein-before recited authorized to be charged as aforesaid should be the several 'Duties on Coals imported into the Port of *London*, and brought by Inland Conveyance, the Duty on 'Wine, the several annual Sums charged on the Revenues of the City of *London*, amounting to the 'annual Sum of Eleven thousand five hundred Pounds, the Fees payable on the Admission of Freemen, 'and on the binding of Apprentices, and for Aqueducts; and that all and every the Monies by the said 'lastly herein-before recited Act authorized to be charged and borrowed should, subject to the Application 'thereof so directed to be made by the said last-mentioned Act, be applied by the Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings to the carrying into effect the 'Purposes of the Act now in recital; and that for the Purposes of the Act now in recital, and the said 'Act passed in the Second and Third Years of Her Majesty's Reign, the said Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being should be con-'stituted a Corporation, by the Name and Style of "The Commissioners of Her Majesty's Woods, 'Forests, Land Revenues, Works, and Buildings," and that it should be lawful for the said Commissioners 'of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of the 'Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, for the Time being, (in addition 'to the Sum of Two hundred thousand Pounds by the said recited Act of the Second and Third Years 'of the Reign of Her present Majesty authorized to be raised as aforesaid,) to charge and raise for the 'Purposes of the Act now in recital any further Sum or Sums of Money not exceeding in the whole the 'Sum of One hundred thousand Pounds, upon the Credit of the Monies and Interest in the said Act of 'the Second and Third Years of the Reign of Her present Majesty mentioned, and therein-before 'specified as the Funds by the said lastly herein-before recited Act authorized to be charged; and that 'all such Parts of the Funds by the said last-mentioned Act authorized to be charged with the said Sum 'of Two hundred thousand Pounds as were not permanent, and which by the same Act were directed to 'be continued until the Sums charged and to be charged thereon by virtue of the same Act should be 'paid off, should be continued in all respects as directed by the said last-mentioned Act until the 'further Sum to be charged thereon by virtue of the Act now in recital should be paid off; and it was 'by the Act now in recital enacted, that it should be lawful for the Lord High Treasurer, or the 'Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them, if he or 'they should think it expedient, to authorize and direct the Commissioners for issuing Exchequer Bills 'for Public Works to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land 'Revenues, Works, and Buildings, on the Credit of the said Sum of Three hundred thousand Pounds '(which the said Commissioners were as aforesaid authorized to charge), any Sum or Sums of Money 'in Exchequer Bills, not exceeding the said Sum of Three hundred thousand Pounds, as in the said Act 'is mentioned: And whereas by another Act passed in the said Third and Fourth Years of the Reign of 'Her present Majesty, intituled *An Act to continue for Four Years, from the Fifth Day of* July *One* 3 & 4 Vict.
'*thousand eight hundred and fifty-eight, the Duties now levied on Coal and Wines imported into the Port of* c. cxxxi.
'London, it was enacted, that all and every the Rates, Impositions, and Duties on Coal imported into the 'Port of *London*, or the River *Thames* within the Liberty of the said City, which by the said herein-'before recited Act of the Tenth Year of the Reign of King *George* the Fourth were continued for a 'Term which would expire on the Fifth Day of *July* One thousand eight hundred and fifty-eight, should 'be continued for a further Term of Four Years from the Fifth Day of *July* One thousand eight hundred 'and fifty-eight; and it was enacted, that the Duty of Four Shillings *per* Tun on Wines should also be

'continued for a further Term of Four Years from the Fifth Day of *July* One thousand eight hundred 'and fifty-eight: And whereas by an Act passed in the Fourth Year of the Reign of Her present
4&5 Vict. c. 12. 'Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from* 'Coventry Street, Piccadilly, *to* Long Acre, *and for other Improvements in the Metropolis*, it was enacted, 'that it should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings for the Time being, and they were thereby authorized and empowered, to make, 'form, and complete the new Street therein mentioned; and that for the Purposes of the Act now in 'recital, and of the said Act of the Second and Third Years of the Reign of Her present Majesty, and 'of all Matters and Things thereby authorized to be done under the Authority of the Act now in recital, 'or of any other Act, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings for the Time being should be and they were thereby constituted a Corporation by the 'Name and Style of "The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings;" and that for providing a Fund for the Purposes of the Act now in recital, it should 'be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and 'Buildings, from Time to Time, with the Consent of the Lord High Treasurer, or of the Commissioners 'for executing the Office of Lord High Treasurer of the said United Kingdom, or any Three or more of 'them, to charge the Funds therein-after mentioned, and made subject, as therein-after mentioned, with 'the Payment of any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and 'fourteen thousand Pounds, together with Interest on the Sum or Sums to be charged from the Time of 'charging the same, at such Rate as should be approved of by the said Lord High Treasurer, or the 'Commissioners of Her Majesty's Treasury, for the Time being, to be payable half-yearly, such Sum of 'Two hundred and fourteen thousand Pounds being in addition to the several Sums, amounting together 'to the Sum of Three hundred thousand Pounds, which the said Commissioners were so as aforesaid 'authorized to charge for the Purposes therein-before mentioned; and that the several Funds which by 'the said Acts herein-before mentioned the said Commissioners were authorized to charge as aforesaid 'should be the Funds to be charged by the said Commissioners for the Purposes of the Act now in 'recital under the Power aforesaid; and such several Funds should, subject as aforesaid, be applicable 'to the Payment of all such Monies as should be so charged thereon by the Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Interest thereof; and that it 'should be lawful for the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, for 'the Time being, or any Three or more of them, if he or they should think it expedient, to direct the 'Commissioners for issuing Exchequer Bills for Public Works to advance and lend to the Commissioners 'of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Credit of the said Sum 'of Two hundred and fourteen thousand Pounds which the said Commissioners were by the Act now in 'recital authorized to charge as aforesaid, any Sum or Sums of Money in Exchequer Bills not exceeding 'the Sum of Two hundred and fourteen thousand Pounds; and that the said Commissioners of Her 'Majesty's Woods, Forests, Land Revenues, Works, and Buildings should and they were thereby autho- 'rized, by and with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's 'Treasury, or any Three or more of them, from Time to Time to appropriate and pay, out of the Monies 'to be borrowed and raised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, 'Works, and Buildings, under the Powers and Provisions of the Act now in recital, to the Commissioners 'named and appointed in and by an Act of the Third and Fourth Years of the Reign of Her present
3&4 Vict. c. cxii. 'Majesty, intituled *An Act for opening a Street to* Clerkenwell Green *in the County of* Middlesex, *in* 'continuation of the new Street from Farringdon Street *in the City of* London, any Sum or Sums of 'Money, not exceeding in the whole the Sum of Twenty-five thousand Pounds, to be by the said last- 'mentioned Commissioners applied towards the Expence of making, forming, and completing the said 'Street to *Clerkenwell Green* as aforesaid: And whereas by an Act passed in the Fourth and Fifth Years
4&5 Vict. c. 40. 'of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's* 'Woods to raise Money for certain Improvements in the Metropolis on the Security of the Land Revenues 'of the Crown within the County of Middlesex *and City of* London, it was enacted, that it should be 'lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings 'for the Time being, with the Consent of the Lord High Treasurer or of the Commissioners for 'executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, to 'borrow and take up, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and 'on such Terms and Conditions as they should think proper, such Sum or Sums of Money as they the 'said Commissioners, with such Consent as aforesaid, should judge necessary, for the Purpose of carrying 'into effect and completing the said several Improvements and new Streets so authorized and directed to 'be made by them by the several Acts therein-before and herein-before recited, on Mortgage of all or 'any Part or Parts of the Houses, Buildings, Lands, Tenements, and Hereditaments of or belonging to 'Her Majesty, Her Heirs and Successors, within the County of *Middlesex* and City of *London*, or either 'of them, (other than Royal Palaces and Parks,) and to secure the Repayment of the Sum or Sums so to 'be borrowed, or any Part or Parts thereof, with Interest for the same, in manner therein mentioned: And 'whereas the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings 'have, in pursuance of the aforesaid Power in that Behalf, raised, by Mortgage of the said Land Revenues 'of the Crown, several Sums of Money, amounting in the whole to the Sum of Five hundred thousand 'Pounds, from the Trustees of the Society for Equitable Assurances on Lives and Survivorships, at the Rate 'of Three Pounds Fifteen Shillings *per Centum per Annum* Interest, but no actual Charge of any of the said

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'Sums of Two hundred thousand Pounds, One hundred thousand Pounds, and Two hundred and fourteen 'thousand Pounds, so authorized to be raised by the said Commissioners as aforesaid, nor of any Part thereof, 'has yet been made: And whereas by an Act passed in the present Session of Parliament, intituled *An Act* 5 & 6 Vict. c. ci. '*for further extending the Approaches to* London Bridge, *and the Avenues adjoining to the* Royal Exchange, '*in the City of* London, *and for amending the Acts relating thereto respectively; and for raising a Sum* '*of Money towards opening a Street to* Clerkenwell Green *in the County of* Middlesex, *in continuation* '*of the new Street from* Farringdon Street *in the City of* London, it is (amongst other things) enacted, 'that for the Purposes of an Act therein recited of the First and Second Years of the Reign of Her 'present Majesty, intituled *An Act for improving the Site of the* Royal Exchange *in the City of* London, 1 & 2 Vict. c. c. '*and the Avenues adjoining thereto,* and for the Purposes of the Act now in recital, so far as relates to 'the Improvement of the said Avenues, it shall be lawful for the Mayor, Aldermen, and Commons of 'the City of *London,* in Common Council assembled, to borrow any Sum or Sums of Money, not 'exceeding in the whole the Sum of Forty thousand Pounds, upon the Credit of the Fund created, 'increased, and continued by the several therein and herein before recited Acts, and by the said Act 'now in recital, at such Rate of Interest as shall be approved of by the Lord High Treasurer, or the 'Commissioners of Her Majesty's Treasury, or any Three of them; and further, that the said Mayor, 'Aldermen, and Commons, in Common Council assembled, shall, with the Consent of the Lord High 'Treasurer, or Commissioners of Her Majesty's Treasury, or any Three or more of them, borrow any 'Sum or Sums of Money, not exceeding in the whole the Sum of Twenty-five thousand Pounds, upon 'the Credit of the Fund created, increased, and continued by the several therein and herein before 'recited Acts, at such Rate of Interest as shall be approved of by the said Lord High Treasurer, or 'Commissioners of Her Majesty's Treasury, or any Three of them, and such Monies so to be raised shall 'be paid into the Chamber of the City of *London* by such Instalments, in such Proportions, at such 'Times, and in such Manner as the said Mayor, Aldermen, and Commons, in Common Council assembled, 'shall direct; and out of such Sum or Sums so to be raised as aforesaid the said Mayor, Aldermen, 'and Commons, in Common Council assembled, shall and they are thereby authorized, by and with such 'Consent of the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three 'of them, as aforesaid, from Time to Time to pay to the Commissioners named in and appointed by the 'said Act of the Fourth Year of the Reign of Her present Majesty, intituled *An Act for opening a Street* 3 & 4 Vict. c. cxii. '*to* Clerkenwell Green *in the County of* Middlesex, *in continuation of the new Street from* Farringdon 'Street *in the City of* London, any Sum or Sums of Money, not exceeding in the whole the said Sum of 'Twenty-five thousand Pounds, to be by such last-mentioned Commissioners applied towards the Expence 'of making, forming, and completing the said Street to *Clerkenwell Green* as aforesaid, and as in the 'said Act now in recital is mentioned; and that all such several and respective Funds, constituting or 'forming Part of the said Fund created, increased, and continued as aforesaid, as are not permanent, 'after all the Principal Sums raised and borrowed, and all the Annuities charged upon the said Fund, 'and now due and owing, shall have been paid off and discharged, shall be and are thereby continued 'until the Annuities and Sums charged and to be charged thereon by virtue of the Act now in recital, 'or the said recited Acts of the Second and Third and of the Third and Fourth Years respectively of the 'Reign of Her present Majesty, or of the said Act passed in the Fourth Year of the Reign of Her 'present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street* 4 & 5 Vict. c. 12. '*from* Coventry Street, Piccadilly, *to* Long Acre, *and for other Improvements in the Metropolis,* shall be 'paid off and discharged; and in the Act now in recital is contained a Proviso that the Rates or 'Duties which by the said Act of the Third and Fourth Years of the Reign of Her present Majesty 'were continued for a Term which would expire on the Fifth Day of *July* One thousand eight hundred 'and sixty-two, unless the Sums of Money charged thereon should be sooner paid off, shall not be 'continued by the Act now in recital beyond the said Fifth Day of *July* One thousand eight hundred 'and sixty-two; and that as far as regards the Fund created, increased, and continued as aforesaid, 'nothing in the Act now in recital contained shall give Priority of Charge to the before-mentioned 'several Sums of Forty thousand Pounds and Twenty-five thousand Pounds therein-before authorized to 'be raised as aforesaid, or either of them, or the Interest thereof respectively, over any Sum or Sums of 'Money and Interest already charged or authorized to be charged on the said Fund by any Act or Acts 'of Parliament already passed and now in force: And whereas, inasmuch as the said Mayor, Aldermen, 'and Commons of the City of *London* have been so as aforesaid authorized by the said last-recited Act 'to raise the said Sum of Twenty-five thousand Pounds, for the Purpose of being applied towards the 'making, forming, and completing the said Street to *Clerkenwell Green,* in continuation of the said 'new Street from *Farringdon Street* in the City of *London,* it is expedient that the Power given to the 'said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise 'the Sum of Two hundred and fourteen thousand Pounds should (as regards the Sum of Twenty-five 'thousand Pounds, Part thereof, authorized to be raised for the same Purpose by the said Act of the 'Fourth Year of the Reign of Her present Majesty,) be repealed: And whereas, in order the more 'effectually to enable the said Mayor, Aldermen, and Commons to borrow and take up the said Two 'several Sums of Forty thousand Pounds and Twenty-five thousand Pounds, and Interest, by the said 'last-recited Act authorized to be raised, it is expedient that the said Sums of Forty thousand Pounds 'and Twenty-five thousand Pounds, and Interest, and the Securities for the same, should have Priority 'over the said Sums so authorized to be raised by the said Commissioners as aforesaid, and that further Provision should be made for the raising the said Sums of Money so authorized to be charged by the

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'said Commissioners as herein-after is provided:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act of the Fourth Year of the Reign of Her present Majesty as authorizes or enables the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to charge or raise the said Sum of Two hundred and fourteen thousand Pounds, and Interest, and the applying any Sum not exceeding Twenty-five thousand Pounds, Part thereof, for the Purpose of making, forming, and completing the said Street to *Clerkenwell Green* as aforesaid, shall be and the same is hereby repealed.

So much of 4 & 5 Vict. c. 12. as empowers Commissioners of Woods to raise 214,000*l.* repealed.

II. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall have Power, in lieu of the said Sum of Two hundred and fourteen thousand Pounds, to charge the Sum of One hundred and eighty-nine thousand Pounds, and Interest, for the Purposes and in Manner in all respects, and with such Consent as is by the said Act of the Fourth Year of the Reign of Her present Majesty provided with regard to the said Sum of Two hundred and fourteen thousand Pounds by the said Act authorized to be charged, except as regards the Application of the said Sum of Twenty-five thousand Pounds towards such Improvement as aforesaid, and in all respects as if the Power to charge the said Sum of Two hundred and fourteen thousand Pounds, and Interest, had not been hereby repealed, and the Sum by the said last-mentioned Act authorized to be charged had been the Sum of One hundred and eighty-nine thousand Pounds and Interest, instead of the Sum of Two hundred and fourteen thousand Pounds and Interest.

Commissioners of Woods empowered to charge 189,000*l.* in lieu of 214,000*l.*

III. And be it enacted, That the said several Sums of Forty thousand Pounds and Twenty-five thousand Pounds so authorized to be raised by the said Mayor, Aldermen, and Commons as aforesaid, and the Interest thereof, and the Bond or Bonds and other Securities authorized or required to be given by the said Mayor, Aldermen, and Commons for securing the Repayment of the same respectively, shall have Priority over the said Sums of Two hundred thousand Pounds and One hundred thousand Pounds so as aforesaid authorized to be charged, and the said Sum of One hundred and eighty-nine thousand Pounds by this Act authorized to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Interest thereon, and any Securities or Charges to be given or made in respect thereof, or for securing the same or any Part thereof respectively, any thing in any of the said in part recited Acts contained to the contrary notwithstanding.

Sums to be raised by the Corporation of London to have Priority over Sums to be raised by the Commissioners of Woods.

IV. Provided always, and be it enacted, That if the said Sum of Twenty-five thousand Pounds so authorized to be raised and paid by the said Mayor, Aldermen, and Commons, for the Purpose of being applied towards the Formation of the said Street to *Clerkenwell Green* as aforesaid, shall not be raised and paid by them to the Commissioners appointed by the said Act authorizing the making of the said Street within Three Calendar Months after the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, shall, by Writing under his or their Hand or Hands, have signified their Consent to such Payment being made, then the Priority hereby given to the said several Sums of Forty thousand Pounds and Twenty-five thousand Pounds so authorized to be raised by the said Mayor, Aldermen, and Commons as aforesaid, shall, as to both of the said Sums and the Interest thereof, cease and be determined; and in that Case the Power and Authority given to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by the said recited Act of the Fourth Year of Her Majesty's Reign, to charge or raise the full Sum of Two hundred and fourteen thousand Pounds and Interest, and to apply any Sum, not exceeding Twenty-five thousand Pounds, Part thereof, for the Purpose of making, forming, and completing the said Street to *Clerkenwell Green* as aforesaid, shall be revived and be in full force and virtue as if this Act had not been passed.

Condition of Priority.

V. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, immediately after the passing of this Act, by some Instrument or Writing under their Common Seal (and which Instrument or Writing shall be exempt from any *ad valorem* or other Stamp Duty), with the Consent of the Lord High Treasurer aforesaid, or of the Commissioners of Her Majesty's Treasury, or any Three or more of them, charge all and singular the said Fund created, increased, and continued as aforesaid, and which they were so as aforesaid authorized to charge with such Sums as aforesaid, with the Payment to them, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, of the Sums of Two hundred thousand Pounds and One hundred thousand Pounds, which they the said Commissioners were so authorized to charge as aforesaid, and also with the Sum of One hundred and eighty-nine thousand Pounds hereby authorized to be charged in lieu of the said Sum of Two hundred and fourteen thousand Pounds which they were so authorized to charge as aforesaid, together with Interest thereon after such Rate not exceeding Five Pounds *per Centum per Annum*, as the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct; and such Interest to commence and be payable in respect of the said Sums of Two hundred thousand Pounds and One hundred thousand Pounds, as from the Times when, in pursuance of the aforesaid Acts in that Behalf, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were, with such Consent as aforesaid, authorized to charge the said Sums of Two hundred thousand Pounds and One hundred thousand Pounds respectively, and as regards the said Sum of One hundred and eighty-nine thousand Pounds hereby authorized to be charged from the Time when the aforesaid Sum of Two hundred and fourteen thousand Pounds was authorized to be charged; and that all and singular the Fund so to be charged as aforesaid shall (after Satisfaction of Monies having Priority of the said Sums of Two hundred thousand Pounds,

Commissioners of Woods to execute an immediate Charge upon the Fund made chargeable.

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One hundred thousand Pounds, and One hundred and eighty-nine thousand Pounds,) be paid to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in and towards the Discharge of the said Sums of Two hundred thousand Pounds, One hundred thousand Pounds, and One hundred and eighty-nine thousand Pounds, and Interest, so to be charged as aforesaid, and that the said annual Sum of Eleven thousand five hundred Pounds, Fees on the Admission of Freemen, binding Apprentices, and payable in respect of Aqueducts, shall, until the said Fifth Day of *July* One thousand eight hundred and sixty-two, continue charged with the Payment of such Principal Sums and Interest, and shall continue until the said Fifth Day of *July* One thousand eight hundred and sixty-two, unless such Principal Monies and Interest shall be sooner paid off.

Commissioners of Woods to continue incorporated.

VI. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall continue and be incorporated for the Purposes of this Act, and that the Payment of the said Monies, amounting together to the Sum of Four hundred and eighty-nine thousand Pounds, so to be charged by them as aforesaid, and the Interest thereon, either into the Bank of *England* or otherwise, as the said Commissioners shall direct, shall be a sufficient Discharge to the Person or Persons or Body paying the same.

Application of Monies to be charged by the Commissioners.

VII. And be it enacted, That the said several Sums of Money, amounting together to the said Sum of Four hundred and eighty-nine thousand Pounds, which the said Commissioners are hereby authorized to charge as aforesaid, and the Interest thereon, shall (subject to the Advances thereout by the said Act of the Fourth Year of Her Majesty's Reign authorized to be made in aid of the Costs and Expences of making, forming, and completing a Street between *Southwark* and *Westminster Bridge*, and a Communication between the Houses of Parliament and *Buckingham Palace*, in case the Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three of them, shall, in the Exercise of their Discretion, consent to such Advances being made,) be paid and applied by the said Commissioners from Time to Time, when and as they shall receive the same, in Payment and Discharge of the said several Sums, amounting together to the Sum of Five hundred thousand Pounds and Interest, so as aforesaid charged by them on the Land Revenues of the Crown, and of any other Sum or Sums of Money (if any) which the said Commissioners may have charged or may charge on the same Land Revenues in pursuance of the Powers so given to them as aforesaid by the said Act of the Fourth and Fifth Years of the Reign of Her present Majesty, and that, subject as aforesaid, the said Monies so to be charged as aforesaid, and the Interest thereon, or the Surplus thereof respectively, shall be applicable for the Purposes of the said recited Acts, and for the Purposes for which the same Monies and Interest were authorized to be charged as aforesaid, and in all respects as if this Act had not passed; and further, that, subject to the satisfying and discharging all Monies so as aforesaid borrowed or to be borrowed on the Security of the Land Revenues as aforesaid, any Sum or Sums of Money may be borrowed on the Security of such Monies and Interest as by any of the aforesaid Acts is provided, and in all respects whatsoever as if this Act had not passed.

Act may be altered, &c.

VIII. And be it enacted, That this Act, or any Part thereof, may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

Public Act.

IX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. LXV.

An Act to divide the Forest of *Dean* in the County of *Gloucester* into Ecclesiastical Districts.

[30th *July* 1842.]

'WHEREAS Her Majesty's Forest of *Dean* in the Hundred of *Saint Briavel's* in the County of *Gloucester* is extra-parochial, and contains a Population of Ten thousand Persons and upwards, and it is expedient that such Part thereof as is after mentioned should be divided into Ecclesiastical Districts, in order to enable the Spiritual Persons who may serve the Churches or Chapels therein to perform all Ecclesiastical Duties within such Districts, and for the due Ecclesiastical Superintendence of such Districts, and the Preservation and Improvement of the religious and moral Habits of the Persons residing therein: And whereas Three Churches or Chapels have been built within the said Forest, which have been set apart and consecrated for the Performance of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland* as by Law established, (that is to say,) *Christchurch* Chapel, *Holy Trinity* Chapel, and *Saint Paul's* Chapel; and it is intended to build a Church or Chapel for the Performance of Divine Service, according to the Rites and Ceremonies of the said United Church aforesaid, at or near *Cinderford* in the said Forest, by and out of Funds subscribed or to be subscribed by certain well-disposed Individuals: And whereas *Christchurch* Chapel was built from Funds voluntarily contributed; and the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy having granted certain Monies to the said Chapel, Part of the same were invested in Lands by the said Governors for the Augmentation of the Endowment of the said Chapel, and the Remainder was invested by the said Governors, in their Names, in the Purchase of the Sum of One hundred and seventeen Pounds Thirteen Shillings and Seven-pence Three *per Centum* Reduced Bank Annuities, for the Augmentation of the Endowment of the said Chapel: And whereas the annual Income of the said Chapel, after deducting the usual Outgoings, is One hundred and eighteen Pounds Ten Shillings and Sixpence, or thereabouts: And whereas the Chapel of the *Holy Trinity* was built from Funds collected by voluntary Contributions, and was augmented by the said

'Governors

'Governors with the Sum of Two thousand two hundred Pounds out of the Parliamentary Grant, to 'which the Sum of One hundred Pounds was added by the Minister of the said Chapel, and the Sum of 'One hundred Pounds was added by the *Pynecombe* Charity, and the further Sum of Three hundred Pounds 'was added by the Governors of the Bounty of Queen *Anne*, making together the Sum of Two thousand 'seven hundred Pounds, which was invested in the Purchase of Three thousand and fifty-five Pounds 'Three Shillings and Two-pence Three *per Centum* Reduced Bank Annuities, now standing in the 'Names of the said Governors, producing annually the Sum of Ninety-one Pounds Thirteen Shillings: 'And whereas *Saint Paul*'s Chapel was built from Funds voluntarily contributed, and the Endowment 'of the Minister thereof consists of the Sum of Two thousand four hundred and eighty-nine Pounds 'Seven Shillings and Ten-pence Three *per Centum* Reduced Bank Annuities, standing in the Names of 'the Governors of the Bounty of Queen *Anne*, producing an annual Income of Seventy-four Pounds 'Thirteen Shillings and Sixpence: And whereas Five Acres of Land, Parcel of the Hereditary Revenues 'of the Crown, were granted to Trustees for the Purposes of the Sites of each of the said Three Chapels 'and the Burial Grounds thereof respectively, and for the Sites of the Residences of the Ministers thereof, 'and otherwise for their Benefit respectively: And whereas in the Year One thousand eight hundred and 'thirty the Sum of Eight hundred and forty-three Pounds Fifteen Shillings Sterling was invested by the 'Commissioners of His Majesty's Woods, with Consent of the Commissioners of the Treasury, in the 'Purchase of the Sum of One thousand Pounds Three *per Centum* Consolidated Bank Annuities, in the 'Names of the then First Commissioner of His Majesty's Woods and the Bishop of *Gloucester*, upon 'Trust for the Purpose for ever thereafter to apply the Dividends of such Stock towards the Repairs of 'the Fabrics of the said Three Chapels so built as aforesaid: And whereas on the endowing the said 'Chapel of *Saint Paul* the Right of Presentation of the Minister thereto was reserved to the Bishop of '*Gloucester* for the Time being, and the said Chapel is now served by a Minister or Curate appointed by 'the said Bishop: And whereas the Right of Patronage or Nomination to the said Chapels of *Christchurch* 'and *Holy Trinity* is now vested in the Right Honourable *Nicholas* Baron *Bexley*, and the Right Honour-'able *George Gough* Baron *Calthorpe*, and the Reverend *Charles Bryan* Clerk, the Majority of whom, in 'consideration of the Addition to the Endowment to the said Chapels by virtue of this Act, have con-'sented that the Patronage of the said Chapels shall for ever hereafter be vested in Her Majesty, Her 'Heirs and Successors: And whereas, in order to provide a decent Maintenance for the Ministers of the 'said Three Chapels so built, and of the said Chapel intended to be built at *Cinderford*, it is expedient 'that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the 'Time being, for and on behalf of Her Majesty, should be authorized to make such additional Endowments 'to the said Three Chapels, so as to make up the net annual Income of the Ministers thereof respectively 'to the annual Sum of One hundred and fifty Pounds, as after mentioned, and also to endow the said 'Chapel to be built at *Cinderford* with the annual Sum of One hundred and fifty Pounds, as after 'mentioned:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Her Majesty's Commissioners for building new Churches shall, within Two Years from the passing of this Act, with the Consent of the Bishop of *Gloucester* and *Bristol* for the Time being (within whose Diocese the said Forest is), and of any Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to be signified in Writing under their Hands and Seals, divide all such Part of the said Forest of *Dean* and Hundred of *Saint Briavel's* as is extra-parochial, and bounded on or towards the North by the Parishes of *Ruardean*, *Hope Mansel*, *Weston-under-Penyard*, and *Lea*, on or towards the North-east by the Parishes of *Mitchel Dean* and *Abinghall*, on or towards the East by the Parishes of *Flaxley*, *Westbury*, *Newland*, *Little Dean*, the Hamlet of *Lea*, the said Parish of *Flaxley*, and the said Parish of *Little Dean*, on or towards the East by the Parish of *Newnham*, on or towards the South-east by the Parishes of *Awre* and *Lydney*, on or towards the South, South-west, and Part West by the Parish of *Newland*, and on or towards the West and North-west by the Parish of *English Bicknor*, into separate Districts for Ecclesiastical Purposes, and shall set out such Districts by Metes and Bounds; and one of such Districts shall contain the said Chapel of *Christchurch*, and shall be called the Ecclesiastical District of *Christchurch*; one other of such Districts shall contain the said Chapel of *Holy Trinity*, and shall be called the Ecclesiastical District of *Holy Trinity*; one other of such Districts shall contain the said Chapel of *Saint Paul*, and shall be called the Ecclesiastical District of *Saint Paul*; and one other of such Districts shall contain the said Chapel to be built at *Cinderford* aforesaid, and shall be called the Ecclesiastical District of *Saint John*; and the Instrument ascertaining and setting out the said Districts shall be registered in the Registry of the Bishop of the Diocese of *Gloucester* and *Bristol*, and enrolled in the Office of Land Revenue Records and Enrolments; and when such Instrument shall have been so registered and enrolled, the said Districts shall be taken and considered as Ecclesiastical Districts attached to the said Chapels therein respectively, in all respects as if the same Districts had been divided and made by Her Majesty's Commissioners for building new Churches under the Powers vested in them by Law; and all Laws and Provisions applicable or to be made applicable to District Parishes, set out and divided by such Commissioners, shall apply to the Districts so to be set out in pursuance of this Act, save and except as is otherwise provided for by this Act: Provided always, that until the said intended Chapel at *Cinderford* has been built and consecrated, Her Majesty's Commissioners for building new Churches shall not assign an Ecclesiastical District thereto; and if such intended Chapel shall not be built and consecrated within Two Years from the passing of this Act, it shall in that Case be lawful for the

The Commissioners for building new Churches to divide the Forest of Dean into Ecclesiastical Districts.

the said Commissioners, and they are hereby required, to assign such Ecclesiastical District within Two Years after such intended Chapel has been built and consecrated.

The Chapels to which Districts shall be assigned to be Perpetual Curacies, and Incumbents to have perpetual Succession, and empowered to receive Endowments in Land or Tithes.

II. And be it enacted, That the said Chapels to which the said Districts shall be assigned shall, from and after such Registry and Enrolment, be deemed Perpetual Curacies, and the Ministers of the said Chapels shall be Perpetual Curates of such Districts; and each of such Curacies shall be considered in Law as a Benefice Presentative, so far only as that the Licence thereto shall operate in the same Manner as Institution to any such Benefice, and shall render voidable other Livings in like Manner as Institution to any such Benefice; and the Spiritual Persons now or hereafter serving the same shall be considered as the Incumbents thereof respectively; and such Incumbents thereof, from the Time of such Registry and Enrolment as aforesaid, shall have perpetual Succession, and shall be and are hereby declared to be Bodies Politic and Corporate, and may receive and take Endowments in Land or Tithes, or both, or any such Augmentation as shall be granted to them or their Successors; and all Lands and other Endowments now vested in any Trustees or Trustee for the Ministers of the said Chapels respectively (other than the said Funds in the Names of the said Governors of the Bounty of Queen *Anne*), and the said Chapels and Burial Grounds, and the Sites thereof, shall, from and after such Registry and Enrolment as aforesaid, be vested in the Ministers of the said Chapels respectively, and their Successors respectively, for ever, in the same Manner as the same would be vested in the Incumbent of a Parish; and all Laws in force relating to Ecclesiastical Property shall apply to such Premises; and all Persons presenting or appointing any such Incumbents shall respectively be subject to all Jurisdictions and Laws, Ecclesiastical or Common, and to all Provisions, Regulations, Penalties, or Forfeitures contained in any Act of Parliament from Time to Time in force relating thereto; and in case of any Failure in presenting or nominating any such Incumbent for the Space of Six Calendar Months, such Presentation or Appointment shall lapse, as in Cases of actual Benefices; and all the said Chapels shall be subject to the Jurisdiction of the Bishop of *Gloucester* and *Bristol* and the Archdeacon of *Gloucester*, and shall be within the Forest Deanery.

Marriages, Baptisms, Burials, &c. may be solemnized in the Chapels.

III. And be it enacted, That Marriages, Baptisms, Churchings, and Burials may be solemnized and performed in the said Chapels, and Fees, to be from Time to Time fixed and allowed by the Bishop of *Gloucester* and *Bristol* for the Time being, may be taken for the same by the respective Incumbents for the Time being of the said Chapels and intended Chapel, and all Acts of Parliament, Laws, and Customs relating to publishing Banns of Marriage, Marriages, Christenings, Churchings, and Burials, and the registering thereof, and to all Ecclesiastical Fees, Oblations, and Offerings, shall apply to such Districts, when the same shall be registered and enrolled as aforesaid, in like Manner in every respect as if the same Districts were ancient and distinct Parishes, and the said Chapels and intended Chapel were respectively Parish Churches in Law, to all Intents and Purposes.

The Commissioners of Woods, on behalf of Her Majesty, to augment the Endowments of the Three existing Chapels, and to endow an intended new Chapel when built and consecrated.

IV. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, by and out of any Monies which may from Time to Time be at the Disposal of the said Commissioners, purchase, in the Names of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, such a Sum of the Stock called Three *per Centum* Reduced Bank Annuities as will be sufficient when purchased to produce the annual Dividend of Thirty-one Pounds Nine Shillings and Sixpence, and such Stock shall for ever thereafter form Part of the Endowment of the said Chapel of *Christchurch*, and the Dividends thereof be paid to the Minister or Perpetual Curate of such Chapel or Benefice; and further shall purchase, in the Names of the aforesaid Governors, such a further Sum of the said Stock as will be sufficient when purchased to produce the annual Dividend of Fifty-eight Pounds Seven Shillings, and such Stock shall for ever thereafter form Part of the Endowment of the said Chapel of the *Holy Trinity*, and the Dividends thereof be paid to the Minister or Perpetual Curate of the said Chapel or Benefice; and further shall purchase, in the Names of the said Governors, such a further Sum of the said Stock as will be sufficient when purchased to produce the annual Dividend of Seventy-five Pounds Six Shillings and Sixpence, and such Stock shall for ever thereafter form Part of the Endowment of the said Chapel of *Saint Paul*, and the Dividends thereof be paid to the Minister or Perpetual Curate of the said Chapel or Benefice, to the end that the Endowments of the said Three Chapels may be augmented so as to produce the annual Sum of One hundred and fifty Pounds each; and shall (when and after the said Chapel at *Cinderford* shall have been built and consecrated) purchase, in the Names of the aforesaid Governors, such a further Sum of the said Stock as will be sufficient when purchased to produce the annual Dividend of One hundred and fifty Pounds, and the Dividends thereof be paid to the Minister or Perpetual Curate of the said Chapel or Benefice; and all such several Endowments may be sold, and the Produce thereof applied in all respects as the Governors of the Bounty of Queen *Anne* are authorized to dispose of any Funds appropriated by them to the Augmentation of the Endowment of any Benefice; and until such Stocks shall be so purchased the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, on behalf of Her Majesty, out of any Monies which may be from Time to Time at their Disposal, pay the said annual Sums of Thirty-one Pounds Nine Shillings and Sixpence, Fifty-eight Pounds Seven Shillings, Seventy-five Pounds Six Shillings and Sixpence, and One hundred and fifty Pounds, half-yearly to the said Governors, to be applied in the same Manner as is before directed with respect to the Dividends of the said Sums of Stock so to be purchased as aforesaid; such Payments, as regards the Three existing Chapels of *Christchurch*, *Holy Trinity*, and *Saint Paul*, to commence from the passing of this Act, and as regards the intended Chapel at *Cinderford*, to commence from and after the Time that the same

same shall have been built and consecrated, and a Minister or Curate presented and inducted thereto, and to continue until the Purchase of such Stock.

Commissioners of Woods to augment the existing Fund set apart for the Maintenance and Repair of the Chapels.

V. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, out of such Monies as aforesaid, when the said Chapel at *Cinderford* aforesaid shall have been built and consecrated, purchase the Sum of Three hundred and thirty-three Pounds Six Shillings and Eight-pence Three *per Centum* Consolidated Bank Annuities, in the Names of the First Commissioner of Woods and the Bishop of *Gloucester* and *Bristol* for the Time being, and which said Sum of Three hundred and thirty-three Pounds Six Shillings and Eight-pence, and the said Sum of One thousand Pounds, like Stock, so now standing in the Names of the said First Commissioner and the said Bishop, shall be held upon Trust to apply the Dividends thereof as a Fund for the maintaining and repairing the Fabrics of the aforesaid Three Chapels, and the said Chapel at *Cinderford*, when built and consecrated, such Dividends to be applied in equal Shares; and any Part of such Dividends may, at the Discretion of such First Commissioner and Bishop, be applied in insuring the said Chapels, or any of them, from Loss or Damage by Fire.

Commissioners of Woods may make Grants for increasing Sites of existing Burial Grounds, and of intended Chapel, Parsonage House, &c.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, on behalf of Her Majesty, Her Heirs and Successors, to grant to the respective Ministers of the said Chapels, and their Successors respectively, any Part of the Hereditary Revenues of the Crown within the said Forest, to be appropriated for the said Chapels, as after mentioned; (that is to say,) any Part not exceeding One Acre for each of the said Three Chapels already built, to be applied for the Purpose of increasing the Sites of the Burial Grounds thereto belonging, and any Part not exceeding Six Acres as a Site for the intended Chapel at *Cinderford* and the Burial Ground thereof, and the Parsonage House and Garden for the Minister thereof.

Patronage of Christchurch, &c. vested in Her Majesty.

VII. And be it enacted, That the Right of Patronage or Nomination of or to the said Chapel of *Christchurch*, and of or to the said Chapel of *Holy Trinity*, and of or to the said new Chapel to be built at *Cinderford*, shall be for ever vested in the Queen's most Excellent Majesty, Her Heirs and Successors.

Patronage of Saint Paul's.

VIII. And be it enacted, That the Right of Patronage or Nomination to the said Chapel of *Saint Paul* shall be vested in the Lord Bishop of *Gloucester* and *Bristol* and his Successors for ever.

Saving Rights of the Crown.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, all such Estate, Right, Title, Interest, Privilege, Prerogative, and Benefit, (other than and except the Rights and Interests hereby expressly varied, barred, destroyed, or extinguished,) as She or they had or enjoyed in, to, or out of or from the said Forest, and every Part thereof, before the passing of this Act, or could or might have held or enjoyed in case this Act had not been passed.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXVI.

An Act for further regulating the Preparation and Issue of Exchequer Bills. [30th *July* 1842.]

48 G.3. c. 1. 4&5W.4. c.15.

'WHEREAS an Act was passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills;* and another Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster; and it is expedient to amend the said Acts, so far as regards the Issue and Preparation of Exchequer Bills, and to make further Provision for the Appointment of the Officers of Her Majesty's Exchequer;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Assistant Comptroller of the Receipt and Issue of Her Majesty's Exchequer shall be henceforth appointed, and may be removed, by Warrant under the Hands of Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and that the said Assistant Comptroller shall not be capable of holding his Office at the same Time or together with any other Office under the Crown, or under any Officer appointed by the Crown.

Appointment of Assistant Comptroller.

Appointment of Clerks.

II. And be it enacted, That the Chief Clerk and the other Clerks and Assistants in the Office of the Exchequer shall be appointed, and may be removed, by Warrant under the Hands of Three or more of the said Commissioners of Her Majesty's Treasury.

Repeal of Part of 48 G.3. c. 1. s. 10.

III. And be it enacted, That so much of the said Act of the Reign of King *George* the Third as enacts that all Payments of Principal Sums or Interest, Premiums or Rates, to be made on account of Exchequer Bills by the Paymaster or Paymasters, Comptroller, or other Officers and Clerks, shall be made at an Office to be kept in or near the Receipt of the Exchequer at *Westminster*, shall be repealed.

Exchequer Bills to be signed by the Comptroller or Assistant Comptroller in his own Name.

IV. And be it enacted, That so much of the said Act of the Reign of His late Majesty as enacts that Exchequer Bills may be signed by the said Assistant Comptroller in the Name of the Comptroller shall be repealed; and that all Exchequer Bills to be hereafter made and issued under the Authority of any Act of Parliament shall be signed by the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer, or by the said Assistant Comptroller in his own Name: Provided always, that after the passing of this Act it shall not be lawful for any such Comptroller General or Assistant Comptroller to

to sign any Exchequer Bill, until after Notice of his Appointment as Comptroller General or Assistant Comptroller, and of his Authority to sign Exchequer Bills under this Act, shall have been published in the *London Gazette*, and Notice of the Removal of any such Comptroller General or Assistant Comptroller from his Office shall also be published in the *London Gazette*.

Assistant Comptroller may act during Vacancy of Comptroller-ship.

V. And be it enacted, That for a Time not exceeding One Calendar Month next after any Vacancy of the Office of Comptroller General shall have occurred it shall be lawful for the Assistant Comptroller to sign Exchequer Bills in his own Name as Assistant Comptroller, and to do all other Things which belong to the Office of Assistant Comptroller, as fully as if the Office of Comptroller General were not vacant.

Two Counterfoils to be made.

VI. And be it enacted, That, unless otherwise directed by the Commissioners of Her Majesty's Treasury, Two Counterfoils shall be made to every Exchequer Bill issued after the passing of this Act, and One of such Counterfoils shall not be delivered for the Use or into the Custody of any Paymaster of Exchequer Bills, unless by special Direction of the Commissioners of Her Majesty's Treasury, but shall remain in the Custody of the Comptroller General, subject to such Directions as shall be given by the said Commissioners from Time to Time for keeping or burning or otherwise destroying the same.

Manufacture of Paper for Exchequer Bills.

VII. And be it enacted, That the Commissioners of Excise, or such Person or Persons as the Commissioners of Her Majesty's Treasury shall direct, shall cause to be provided such Instruments or Machinery as may be necessary for the making of Paper to be used as Exchequer Bills, and to receive the Impression of the Dies, Plates, or other Instruments which have been or shall be provided, made, or used by or under the Direction of the Comptroller General, or of the Commissioners of Her Majesty's Treasury, for the Purpose of distinguishing Exchequer Bills, which Paper shall have such Words, Figures, Marks, Lines, Threads, or other Devices appearing in the Substance of the same as the Comptroller General or the said Commissioners of Her Majesty's Treasury shall from Time to Time order; and it shall be lawful for the said Comptroller General or Commissioners of Her Majesty's Treasury from Time to Time, as he or they shall see fit, to alter any such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, either by the Removal of any of them, and the Substitution of other Words, Letters, Figures, Marks, Lines, Threads, or other Devices, or by any Change in the Position or Arrangement thereof; and all such Instruments and Machinery shall be provided, and all such Paper shall be made, under such Regulations and by such Person or Persons as the said Commissioners of Excise, or other Person or Persons directed by the Commissioners of Her Majesty's Treasury, shall from Time to Time appoint or contract with for that Purpose; and all the said Instruments and Machinery shall be kept by such Officer or Officers or other Person as the said Commissioners of Excise, or other Person or Persons directed by the Commissioners of Her Majesty's Treasury, shall appoint; and all the Paper so made shall, as the same is required, be delivered over to the Comptroller General, or to such Officer or Warehouse Keeper as he shall direct to receive and take charge of the same.

As to present Contracts.

VIII 'And whereas certain Quantities of Paper have been made and manufactured, under the 'Superintendence of Officers of Excise, by Directions of the Comptroller General and the Commissioners 'of the Treasury, and have been supplied to the said Comptroller General, with certain Lines, Threads, 'or Devices appearing in the Substance of such Paper, according to the Samples thereof delivered to and 'kept in the Office of the Comptroller General;' be it enacted, That all the Paper so made and supplied, or which hereafter shall be made or supplied, shall be subject to all the Enactments of this Act, in the same Manner as if the same had been made and supplied under the Enactments herein contained.

Punishing Persons manufacturing or using Paper, Plates, or Dies intended to imitate those used for Exchequer Bills.

IX. And be it enacted, That every Person who shall make, or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his Possession, not being legally authorized by the Commissioners of Excise or Commissioners of Her Majesty's Treasury, and without lawful Excuse (the Proof whereof shall lie on the Person accused), any Instrument having therein any Words, Letters, Figures, Marks, Lines, or Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bills, or any Machinery for working any Threads into the Substance of any Paper, or any such Thread, and intended to imitate such Words, Letters, Figures, Marks, Lines, Threads, or Devices, or any Plate peculiarly employed for printing Exchequer Bills, or any Die peculiarly used for preparing any such Plate, or for sealing such Exchequer Bills, or any Plate or Die intended to imitate such Plates or Dies respectively; and also every Person, except as before excepted, who shall make, or cause or procure to be made, or aid or assist in making, any Paper, in the Substance of which shall appear any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bills, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same; and also every Person, except as before excepted, who shall knowingly have in his Possession, without lawful Excuse (the Proof whereof shall lie on the Person accused), any Paper whatever, in the Substance whereof shall appear any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or Devices, and intended to imitate the same; and also every Person, except as before excepted, who shall cause or assist in causing any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, to appear in the Substance of any Paper whatever, or who shall take or assist in taking any Impression of any such Plate or Die as aforesaid, shall be guilty of Felony.

Persons unlawfully having in possession Paper to be used as Exchequer Bills guilty of a Misdemeanor.

X. And be it enacted, That every Person, not lawfully authorized, and without lawful Excuse (the Proof whereof shall lie on the Person accused), who shall purchase, or receive or take, and have in his Custody, any Paper manufactured and provided by or under the Directions of the Commissioners of Excise or Commissioners of Her Majesty's Treasury, for the Purpose of being used as Exchequer Bills, before such Paper shall have been duly stamped, signed, and issued for public Use, or any such Plate or Die as aforesaid, shall for every such Offence be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court before whom he shall be tried, be imprisoned for any Period not more than Three Years nor less than Six Calendar Months.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXVII.

An Act for the better regulating the Number of Prisoners admitted to the General Prison at *Perth*. [30th *July* 1842.]

2 & 3 Vict. c. 42.

'WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, Provision is made for the erecting of a General Prison at *Perth*, and other Prisons, to be so constructed, fitted up, and regulated as to afford the best Means for training the Prisoners therein confined in good and industrious Habits, by effecting their complete Separation from vicious Society, and by affording them religious and moral Instruction, and employing them in useful Labour; and Provision is also made for the Appointment of a General Board of Directors of Prisons in *Scotland*, and local Boards to carry into effect the Purposes of the said Act: And whereas it is by the said Act enacted, "that after the said General Prison shall be declared by the said General Board to be ready to receive Prisoners, it shall be lawful for the said General Board to cause all Prisoners sentenced to Imprisonment, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, to be conveyed to the said General Prison, and when any Criminal Court shall, after such Declaration, sentence any Person tried by such Court to a Period of Imprisonment for One Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*; and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison, or to any other lawful Prison which the Court shall think fit, and it shall also in such Case be competent to the said General Board to order the Prisoner to be conveyed to the said General Prison at *Perth*, if they shall think fit:" And whereas by virtue of the said Act a General Prison has been erected at *Perth*, and was declared by the said General Board to be ready to receive Prisoners from and after the Thirtieth Day of *March* in the present Year, and many Prisoners who were then under Sentences were removed thereto, and since then many Persons have been sentenced to be confined therein, and have been removed thereto and confined therein: And whereas, from the great Number of Prisoners who were under Sentence at the Time when the said General Prison was declared to be ready to receive Prisoners, and also from the great Number who have since been sentenced, there is great Danger that the said General Prison may be overcrowded, and that the important Purposes of the said recited Act will be frustrated, unless the Provisions above recited for sentencing Prisoners to be confined in the said General Prison be modified and suspended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as enacts, "that when any Criminal Court shall sentence any Person tried by such Court to a Period of Imprisonment for One Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*, and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison, or to any other lawful Prison which the Court shall think fit," shall be and the same is hereby suspended.

Peremptory Orders for Commitments to Perth Prison suspended.

No Sentence to contain a special Order for Commitment to Perth Prison.

II. And be it enacted, That it shall not be lawful for any Criminal Court after the passing of this Act to insert in any Sentence of Imprisonment a special Order that the Prisoner shall be conveyed to or confined in the said General Prison at *Perth*, or to order any Prisoner to be conveyed to or confined in the said General Prison; and any Sentence containing such an Order shall only be effectual to the Extent of confining the Prisoner in the local Prison in which he would have been legally confined if no such special Order had been inserted in his Sentence of Imprisonment.

Prison Board to have Power to remove Prisoners to the General Prison;

III. And be it enacted, That it shall and may be lawful for the said General Board of Directors of Prisons, during the Continuance of this Act, and such Board is hereby required, to order and cause to be removed, from Time to Time, to the said General Prison at *Perth*, such Number of Prisoners sentenced to Imprisonment in any other Prison, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, as the said General Prison may be capable of containing, but in no ways to overcrowd the same.

and shall select those sentenced

IV. Provided always, and be it enacted, That the said General Board of Directors shall, as far as may be practicable, select for the Purpose of such Removal as aforesaid those Prisoners whose Sentences of Imprisonment

Imprisonment shall then have the longest Time to run before their Expiration; and no such Order for the Removal of any Prisoner to the said General Prison shall be valid unless the same be signed either by the Lord Justice General of *Scotland* or by the Lord Justice Clerk of *Scotland*. to long Terms of Imprisonment.

V. And be it enacted, That during the Continuance of this Act nothing contained in the said recited Act or this Act shall be held to preclude any Criminal Court of competent Jurisdiction from sentencing to Imprisonment for One Year or upwards, in any lawful Prison other than the said General Prison, any Prisoner for whose Crime such Imprisonment shall be held to form a suitable Punishment. Prisoners may be confined in any other lawful Prison.

VI. And be it enacted, That during the Continuance of this Act it shall be lawful for the said General Board of Directors of Prisons, at any Time or Times when they may deem it necessary for the proper Accommodation of Prisoners in the said General Prison at *Perth*, to order and cause to be removed from the said General Prison to the several local Prisons from which they may have been removed such Number of Prisoners as to the said General Board of Directors shall appear to be expedient; and such Removal shall be made under similar Regulations and conducted in the same Manner in which the Removal of Prisoners previous to the Expiration of their Sentences from the said General Prison to the Prison nearest their Residence, or in the County where their Crimes may have been committed, is by the said recited Act directed to be made. Prison Board may remove Prisoners from the General Prison to the local Prisons.

VII. And be it enacted, That during the Continuance of this Act, when any Criminal shall have been sentenced to Imprisonment for any Period not less than Six Months, the Clerk of the High Court of Justiciary if such Sentence shall have been pronounced by the said High Court, or the Clerk of the Circuit Court of Justiciary if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the Sheriffdom if such Sentence shall have been pronounced by a Sheriff, shall, within Ten Days after such Sentence shall have been pronounced, make a Return thereof to the Secretary of the General Board of Directors of Prisons in *Scotland*, which Return shall be in the Form of the Schedule hereto annexed. Return of Sentences of Imprisonment to be transmitted to the General Board.

VIII. And be it enacted, That all Orders made by the said General Board, in regard to any of the Matters aforesaid, shall be subject to the Directions and Control of any One of Her Majesty's Principal Secretaries of State. Board's Orders under Secretary of State's Control.

IX. And be it enacted, That this Act shall continue in force until the First Day of *December* in the Year One thousand eight hundred and forty-three, and from thence to the End of the then next Session of Parliament. Term of Act.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

NAME.	Age.	Place of Birth.		Offence.	County in which Offence was committed.	Place where sentenced.	Court by whom sentenced.	Date of Sentence.	Period of Imprisonment awarded.	Place of present Confinement.
		Parish.	County.							

CAP. LXVIII.

An Act to amend, and continue to the Twenty-seventh Day of *July* One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in *Ireland*, and for the better Payment of their Wages. [30th *July* 1842.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages, for One Year,* 3 & 4 Vict. c. 91.

5 Vict. c. 7.

'*Year, and from thence to the End of the then next Session of Parliament:* And whereas by an Act 'passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to continue until the* '*Thirty-first Day of* July *One thousand eight hundred and forty-two such Laws as may expire within a* '*limited Period*, the said Act was continued for a certain Time, therein limited: And whereas it is 'expedient to amend and further continue the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, and this Act, shall be and continue in force for One Year from the Twenty-seventh Day of *July* in this present Year, and thenceforth until the End of the next Session of Parliament.

First-recited Act and this Act continued for One Year from 27th July 1842.

Certain Enactments in the said Act referring to the unlawful Disposal of Materials, &c. to extend and apply to Cloths, Tools, and Apparatus.

II. 'And whereas by the said last-mentioned Act it was enacted, that if any Person should sell, pawn, 'pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or 'otherwise dispose of, any such Materials, Tools, or Apparatus as therein are mentioned, knowing them 'to have been purloined or embezzled, or received from Persons fraudulently disposing thereof, he should 'upon Conviction be deemed guilty of a Misdemeanor; and it was also enacted, that on Proof on Oath 'of there being just Cause to suspect that any such Materials, Tools, or Apparatus as aforesaid had been 'fraudulently sold, pawned, purloined, or embezzled, by the Person to whom intrusted, or that such 'Materials, Tools, or Apparatus had been purchased or received, or sold, or pawned, pledged, or 'exchanged, or otherwise fraudulently disposed of, or offered for Sale, Pawn, Pledge, Exchange, or other 'Disposal, by any Person knowing the same to have been purloined or embezzled, or received from some 'Person fraudulently disposing thereof, such Proceedings might be taken as in the said Act are men-'tioned: And whereas by the said Act it was enacted, that any Person who should be deemed and 'adjudged guilty of a Misdemeanor, agreeably to any of the previous Sections of the said Act, should, 'in addition to being deprived, without Compensation, of any stolen or embezzled Materials or Goods 'which should have been found in his Possession, forfeit the Sum therein mentioned: And whereas it is 'expedient that the aforesaid Enactments should extend to Cloths made of such Materials as in the said 'Act is mentioned: And whereas Doubts are entertained whether all the Provisions of the said Enact-'ments extend to Tools and other Apparatus, as well as to Materials, and it is expedient to remove such 'Doubts;' be it therefore enacted, That the said Act shall extend and apply to Cloths made of Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any One or of any Mixture of these Materials, and also to such Tools and Apparatus as in the said Act are mentioned, in such and the same Manner as if the Words "Cloths, Tools, and Apparatus" had been inserted and mentioned throughout the said several Enactments, together with and in addition to "Materials."

In proceeding under Search Warrant, Proof not to be deemed necessary, where Oath has been made of reasonable Suspicion of purloining, &c.

III. 'And whereas by the said Act it is enacted, that if any credible Person should make Oath before 'a Justice of the Peace that there is reasonable Cause to suspect that any Person has in his Possession 'or on his Premises any purloined or embezzled Cloths, Yarns, Materials, Tools, or Apparatus, such 'Justice is thereby authorized and required to grant his Warrant to search the Dwelling House and 'Premises of such Person; and the said Enactment now in recital authorizes such Proceedings as therein 'are mentioned to be taken against such Person, in case any such Property should be found in his 'Possession or in such Dwelling House or Premises: And whereas Doubts are entertained whether, in 'proceeding against any Party under the said Enactment, it is necessary to prove that such Cloths, Yarns, 'Materials, Tools, or Apparatus as therein are mentioned have been actually purloined or embezzled, 'and it is expedient to remove such Doubts;' be it therefore enacted, That it shall not be necessary, in any Proceedings under the lastly herein-before recited Enactment, to prove that the Cloths, Yarns, Materials, Tools, or Apparatus in respect of which such Proceedings shall take place have been purloined or embezzled, in case the Party making Oath before a Justice of the Peace that there is reasonable Cause to suspect that a Person has in his Possession or Premises any purloined or embezzled Cloths, Yarns, Materials, Tools, or Apparatus, do likewise make Oath that he suspects the same to have been purloined or embezzled.

The Chief Constable's Power of seizing, without Warrant, Yarns, &c., suspected to be stolen, repealed; and Power given to place a Constable in charge of the Premises, to prevent the Removal of suspected Property.

IV. 'And whereas the said Act contains a Provision empowering any Chief Constable or Chief of 'Police, upon receiving Information that stolen or purloined and embezzled Linen, Hempen, Cotton, 'Silk, or Woollen Yarns or Cloths, made of any One or any Mixture of these Materials, or Tools or 'Apparatus for manufacturing the same, or that such Yarns or Goods suspected of being stolen or 'purloined and embezzled are deposited in certain specified Premises, and that there is Reason to appre-'hend that such Yarns or Goods will be removed before a Warrant can be obtained from a Justice to 'search the said Premises, and to seize such Yarns or Goods, and to proceed thereupon in a certain 'Manner by the said Act directed: And whereas it is expedient to repeal so much of the said Enactment 'as authorizes such Seizure in the first instance by such Chief Constable or Chief of Police;' be it therefore enacted, That so much of the said Act as authorizes any such Chief Constable or Chief of Police to in the first instance make such Seizure shall be repealed; and that in lieu thereof it shall be lawful for such Chief Constable or Chief of Police to place a Constable or Peace Officer in charge of such Premises, in order to prevent the Removal of such Property, for such reasonable Time as he may consider necessary for the obtaining of such Warrant as in the said Act mentioned.

In case of Conviction, and Restoration of

V. 'And whereas Provision is made by the said Act for the Restitution of Property found in the 'Possession of a Person convicted under the said Act, when, after advertising the same, as thereby 'directed, the Ownership thereof shall be proved, upon Payment of the reasonable Cost of removing,

'depositing,

'depositing, and advertising and giving Notice of the same: And whereas it is just that the Expences of 'the Prosecution shall also be paid by such Owner, in case of such Restitution;' be it therefore enacted, That no such Property shall be restored until the Expences of the Prosecution shall also be paid by the Owner, if not previously paid by the Person convicted. Property, Expences of Prosecution to be first paid thereout.

VI. 'And whereas Provision was made by the said Act restraining any Landlord or other Person 'from seizing or selling, by virtue of any Distress Warrant, Execution, or other Proceeding for Rent in 'arrear or Money due or alleged to be due by a Weaver or Worker, or on any other Account whatever, 'any Cloths, Yarns, Materials, or Tools or Apparatus for manufacturing the same, belonging to a 'Manufacturer or Agent, and intrusted by him to such Weaver or Worker for the Purpose of Manu-'facture, or any Tools or Apparatus actually employed in manufacturing such Cloths or Yarns: And 'whereas it is expedient to amend the said Provisions;' be it therefore enacted, That if the Landlord or other Person making such Seizure shall give the Manufacturer or Agent a Notice in Writing of such Seizure having been made, and requiring him to have all such Cloths, Yarns, Materials, or Tools or Apparatus removed off the Premises, and he shall refuse or neglect to have the same removed within Three Days (exclusive of *Sunday*) from the Time of Service of such Notice, then in such Case such Manufacturer or Agent shall be deprived of any Remedy he would otherwise be entitled to for the Recovery of the same under the said Act, from such Landlord or other Person. Landlord, &c. seizing for Rent due from Weaver may give Notice to Manufacturer to remove his Cloths, &c., and in default Manufacturer to lose his Remedy.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. LXIX.

An Act for perpetuating Testimony in certain Cases. [30th *July* 1842.]

WHEREAS it is expedient to extend the Means of perpetuating Testimony in certain Cases; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person who would, under the Circumstances alleged by him to exist, become entitled, upon the happening of any future Event, to any Honour, Title, Dignity, or Office, or to any Estate or Interest in any Property, Real or Personal, the Right or Claim to which cannot by him be brought to Trial before the happening of such Event, shall be entitled, from and after the passing of this Act, to file a Bill in the High Court of Chancery to perpetuate any Testimony which may be material for establishing such Claim or Right; and that all Laws, Rules, and Regulations not contrary to the Provisions of this Act, now in force or in use in Suits to perpetuate Testimony, or respecting Depositions taken in such Suits, or the Punishment of Perjury committed in making such Depositions, shall be in force and used and applied in all Suits to be instituted under the Authority of this Act, and in respect to Depositions taken on such Suits. Bills in Chancery to perpetuate Testimony may be filed by Persons claiming Honours, Titles, &c. contingent on future Events.

II. And be it further enacted, That in all Suits which may be so instituted under the Authority of this Act, touching any Honour, Title, Dignity, or Office, or any other Matter or Thing, in which Her Majesty, Her Heirs or Successors, may have any Estate or Interest, it shall be lawful to make the Attorney General for the Time being a Party Defendant thereto; and that in all Proceedings in which the Depositions taken in any such Suit in which the Attorney General for the Time being was so made a Defendant may be offered in Evidence, such Depositions may be admissible notwithstanding any Objection to such Depositions upon the Ground that Her Majesty, Her Heirs or Successors, were not Parties to the Suit in which such Depositions were taken. Attorney General to be Party Defendant in all such Suits in which the Queen may have any Estate or Interest.

CAP. LXX.

An Act to amend the Laws relating to the Payment of Out-Pensioners of *Chelsea* Hospital. [30th *July* 1842.]

'WHEREAS Two Acts were passed in the Fifty-fifth Year of the Reign of King *George* the Third, severally intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the* 55 G. 3. c. 125. '*Relief of the Out-Pensioners of the Royal Hospital at* Chelsea, and *An Act for the Relief of the Out-* 55 G. 3. c. 136. '*Pensioners of the Royal Hospital of* Kilmainham: And whereas an Act was also passed in the Seventh 'Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend several Acts* 7 G. 4. c. 16. '*relating to the Royal Hospitals for Soldiers at* Chelsea *and* Kilmainham: And whereas by the said Acts 'it was directed that the Payments to the Out-Pensioners should in future be made quarterly in advance; 'but such Payments in advance have in some Instances, through the Improvidence of the Pensioners, 'produced great Inconvenience, and it is therefore expedient that other Provisions should be made in 'relation to such Payments:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the first Two recited Acts, and also so much of the last-recited Act as requires that Payments shall be made to the Out-Pensioners of the remaining Number of Days of the current Quarter upon Admission, and thereafter in advance in quarterly Payments, shall be repealed, but not so as to revive or give Effect to any Act or Part of any Act repealed by the Acts herein repealed or either of them. Repeal of Two first-recited Acts and Part of last-recited Act.

II. And be it enacted, That from and after the First Day of *October* in the Year One thousand eight hundred and forty-two it shall be lawful for the Commissioners of *Chelsea* Hospital for the Time being, with Regulations for Payment of Out-Pensioners.

with the Advice and Consent of the Secretary at War and of the Commissioners of Her Majesty's Treasury, to make such Regulations in relation to the Payment in advance to Out-Pensioners of the said Royal Hospital, upon their first Admission on the Pension List, of any such Proportions of their Pensions at the Time of Admission as they shall see fit; and the Secretary at War, with the Advice and Consent of the Commissioners of Her Majesty's Treasury, shall be authorized to direct all subsequent Payments of such Pensions to be made either quarterly, monthly, or weekly in advance accordingly, as shall appear to him best calculated for the Advantage of the Pensioner and the Interests of the Public: Provided always, that if at the Time of the Death of any Out-Pensioner any Part of the Pension of the then current Quarter shall have been unpaid, the same, or so much thereof as shall remain after Payment of his Funeral Expences, shall be accounted for and paid to such Person as the said Pensioner shall have appointed to receive the same by any Writing under his Hand, made and delivered in such Form and Manner as shall be directed from Time to Time by the Secretary at War, and in default of such Appointment shall be accounted for and paid to such Person as, by reason of Kindred, or as a Creditor, or otherwise, shall appear to the Secretary at War best entitled thereunto; and no such Appointment shall be liable to any Stamp Duty, nor shall any Probate of Will or Letters of Administration be needed on making such Payment under the Authority of the Secretary at War.

Pensions, how to be paid.

III. 'And whereas the more frequent Payment of the Pensioners can be better and more regularly made 'by Officers on Half Pay, or others appointed or to be appointed for that Purpose by the Secretary at 'War, with the Consent of the Lord High Treasurer or Commissioners of Her Majesty's Treasury;' be it enacted, That in every Part or District of the United Kingdom for which the Secretary at War, with the Consent aforesaid, shall have appointed any Officer on Half Pay or other Person to pay the Pensions, the Payment of all Pensions, Allowances, and Relief granted or to be granted to disabled, invalid, and discharged Soldiers, payable in that District, shall be made by the Officer or other Person so appointed, under such Regulations as shall be made by the Secretary at War.

Sums needed for Pensions, how to be obtained.

IV. And be it enacted, That whenever Advances of Money shall be required by the Officers or Persons so appointed, for the Payment of the Pensioners, or for other Disbursements connected with their several Duties, the Secretary at War for the Time being shall certify under his Hand to the Lords and others, Commissioners of the Royal Hospital at *Chelsea*, the Sum or Sums of Money which shall be respectively required for the Purposes aforesaid, and the Names of the Officers to whom and of the Districts in which the Issue is to be made; and the said Commissioners of *Chelsea* Hospital shall thereupon direct the Agent for the Payment of Out-Pensions of the said Hospital to make such Advance or Issue accordingly, or to repay any Advances which may have been made for this Purpose by Revenue Officers or others under the Authority after mentioned.

Public Officers may advance Money for Pensions.

V. And be it enacted, That it shall be lawful for the Lord High Treasurer of the Commissioners of Her Majesty's Treasury aforesaid to order and direct that any Sum or Sums of Money required by the said Officers as aforesaid for Payment of the Pensioners in the several Districts under their Charge shall be paid by any Receiver General of the Land Tax or Collector of the Cess in *Scotland*, or any Collector of Duties of Customs or Excise, or any Collector of the Duties under the Management of the Commissioners for the Affairs of Taxes, or any other public Officers, out of any public Money in their Hands respectively, and that the Vouchers and Receipts of the said Officers for the Payment of such Money shall be taken as Cash in the Accounts and in part of the Duties collected by such Receivers General or Collectors or other public Officers respectively; and all such Sums of Money so advanced under any such Rule or Regulation for any such Payment shall be, by the Agent for the Payment of Out-Pensions for the Time being, repaid to the Account of the Duties out of which the same shall have been paid, or in such other Manner as the said Lord High Treasurer or Commissioners of Her Majesty's Treasury shall direct.

Accounts of Pensions how to be audited.

VI. And be it enacted, That the Commissioners for auditing the public Accounts shall give Allowance in the Account of the Agent for paying the Out-Pensioners of *Chelsea* Hospital of all such Sums advanced by him on Certificates of the Secretary at War to the Officers or others to be so appointed, upon Production of the Warrants of the Commissioners for the Affairs of *Chelsea* Hospital of the above-mentioned Certificates, and of the Receipts of those Officers, without other Account or Vouchers for such Advances, the detailed Application of which is to be accounted for to the Secretary at War according to such Rules and Instructions as shall be laid down by him for that Purpose, with the Consent of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury.

Other Pensions to be paid as before this Act.

VII. Provided always, and be it enacted, That in every Part of the United Kingdom or elsewhere for which no such Officer or other Person shall have been appointed as aforesaid by the Secretary at War the Payments of Pensions shall take place and be accounted for in all respects as if this Act had not been passed.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXI.

An Act to establish Military Savings Banks. [30th *July* 1842.]

'WHEREAS it is expedient to establish Savings Banks in the several Regiments of Cavalry and Infantry in Her Majesty's Service, for the Custody and Increase of small Savings belonging to the Non-commissioned Officers and Soldiers serving therein:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to establish Military or Regimental Savings Banks for the Purpose of receiving Sums of Money from such of the Non-commissioned Officers and Soldiers employed in Her Majesty's Service, either in the United Kingdom or upon Foreign Stations, (the Territorial Possessions of the *East India* Company alone excepted,) who shall be desirous of depositing the same. Military Savings Banks may be established.

II. And be it enacted, That it shall be lawful for the Trustees or Treasurer of such Savings Banks appointed under the Authority of Her Majesty, instead of investing the Monies so received in public Securities, to apply them in aid of the public Expenditure, and to order the Amount to be repaid to the Depositor, upon his claiming it, under the Rules prescribed as herein-after mentioned, together with Interest at a yearly Rate not exceeding Three Pounds Sixteen Shillings and a Halfpenny by the Hundred Pounds, out of the Grants of Parliament for ordinary Army Services. Deposits may be applied, and Re-payments made out of public Monies.

III. And be it enacted, That the Rules for the Management of any Savings Banks established under the Authority of this Act shall from Time to Time be made by the Secretary at War for the Time being, with the Concurrence of the General Commanding in Chief and of the Commissioners of Her Majesty's Treasury; and that a Copy of such Rules, when sanctioned by Her Majesty, shall be signed by the Secretary at War, and laid before both Houses of Parliament; and that a Copy of such Rules shall also be sent by the Secretary at War to the Trustees of such Savings Banks, to be deposited in the Orderly Room of each Regiment of Cavalry and Infantry; and that these Rules shall be binding upon the several Officers of such Savings Banks, and upon the several Depositors therein, and upon their Representatives; and that no Certiorari shall be brought or allowed to remove any such Rules into any of Her Majesty's Courts of Record. Rules to be made by Secretary at War, with Concurrence of Commander-in-Chief and Commissioners of Treasury.

IV. And be it enacted, That no Trustee, Treasurer, or other Person having, under the said Rules, any Control in the Management of any such Savings Bank, shall be personally liable, except for his own Acts, nor for any thing done by him in virtue of his Office in the Execution of this Act, except in Cases where he shall be guilty of wilful Neglect or Default. Trustees and others not personally liable.

V. And be it enacted, That an Account of the Amount of all Sums deposited within the Year ended on the Thirty-first Day of *March* preceding, and of the Amount of all Sums withdrawn during the same Period, and of the Interest allowed upon such Deposits, and also of the Number of Depositors on the said Thirty-first Day of *March*, with such other Particulars as Her Majesty shall be pleased from Time to Time to order, shall be annually prepared by the Secretary at War, and rendered to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament before the First Day of *April* in every Year, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within the first Fourteen Days of the next Session of Parliament. Accounts to be laid before Parliament.

VI. And be it enacted, That the Savings Banks to be established under this Act shall not be taken to be within the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, or of any other Act heretofore passed relating to Savings Banks. Savings Banks not to be within 9 G. 4. c. 92. and other Acts.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. LXXII.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-three the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [30th *July* 1842.]

'WHEREAS it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists of such Militia, or any Part thereof, or relating to the ballotting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the Thirty-first Day of *August* One thousand eight hundred and forty-three. General and Subdivision Meetings relating to the Militia suspended.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings may be had during such Suspension by Order in Council.

Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the ballotting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Sub-division Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners in *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries, &c.

III. And be it enacted, That this Act shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority therein contained.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXIII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-three, and to the End of the then Session of Parliament, an Act for amending the Law for the Trial of controverted Elections. [30th *July* 1842.]

4 & 5 Vict. c. 58.

CAP. LXXIV.

An Act to amend an Act of the Second and Third Years of His late Majesty, "to amend the Representation of the People of *Ireland*," in respect of the Right of Voting in the University of *Dublin*. [30th *July* 1842.]

2 & 3 W. 4. c. 88.

'WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of His late Majesty's Reign, intituled *An Act to amend the Representation of the People of* Ireland, whereby it was among other Things enacted, that every Person whose Name should be continued upon the Books of the University of *Dublin*, for the Purpose of entitling him to vote at the Election of Members to serve in Parliament for the said University, should be liable to pay to the College of the Holy and Undivided Trinity near *Dublin* an annual Sum of One Pound, and that upon the Refusal of any such Person to pay the said annual Sum of One Pound within One Month after the same should have been demanded his Name should be removed from the said Books, and should not be again replaced thereon: And whereas the said annual Payment has been found inconvenient, and Doubts have arisen as to the Effect of the Provisions of the said Act in respect of the Demand therein mentioned, and it is expedient to amend the said Act in those respects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as makes every Elector of the said University liable to pay to the said College an annual Sum of One Pound shall be and is hereby repealed, without Prejudice, nevertheless, to any such Payment heretofore made or accrued due under the Provisions of the said Act.

The annual Payment of 1*l.* required by said Act repealed.

Compositions for 5*l.* for Life in lieu of the annual Payment to remain good.

II. 'And whereas in some Cases the said College has compounded with the Persons liable to the said annual Payment of One Pound under the Provisions of the said Act for a gross Sum of Five Pounds for their respective Lives;' be it enacted, That all Persons having made such Composition shall be entitled to have their Names continued on the Books of the said University for their respective Lives, and to vote at any Election for Members to serve in Parliament for the said University, without any further Payment.

All Electors not having compounded to pay 5*l.* before 1st December, and all Arrears due, or 10*l.* to be made up with Sums already paid.

III. And be it enacted, That every Elector whose Name shall at the passing of this Act be upon the Books of the said University, and who shall not have so compounded, who shall be desirous of the Right to vote at any such Election, shall, on or before the First Day of *December* in the present Year, pay to the said College the Sum of Five Pounds, together with all Arrears due to the said College in respect of the said annual Payment of One Pound; or every such Person may, at his Option, pay to the said College such Sum as together with the Sums already paid by him in respect of such annual Payment shall amount to the Sum of Ten Pounds in the whole; and in default of such Payment, and without any Demand thereof, the Name of such Person shall be removed from the Books of the said University, and shall not be replaced thereon unless it shall first have been replaced upon the said College Books, conformably to the Rules and Statutes of the said College: Provided always, that if any Person whose Name shall have been so removed from the Books of the said University shall not have been within the United Kingdom from the Time of the passing of this Act until after the said First Day of *December*, such Person shall, upon making such Payment as is herein required for Electors who have

have not compounded, and who shall be desirous of the Right to vote at any such Election within Six Calendar Months after his Return to the United Kingdom, have his Name replaced on the Books of the said University: Provided also, that no Person whose Name shall have been so removed on account of the Default of any Payment required by this or the said recited Act, and shall have been afterwards replaced on the Books of the said University, shall be entitled to vote at any such Election until after the Lapse of Six Calendar Months from the Time his Name shall have been so replaced.

Persons hereafter becoming Electors to pay 5*l.*

IV. And be it enacted, That every Person whose Name shall be upon the College Books of the said University, and who shall have obtained a Fellowship or Scholarship, or the Degree of Master of Arts, or any higher Degree in the said University, and every Person who shall hereafter obtain a Fellowship or Scholarship, or the Degree of Master of Arts, or any higher Degree in the said University, and who upon the Removal of his Name from the said College Books, or after he shall have taken such Degree, shall be desirous of having his Name placed or retained on the Books of the said University, for the Purpose of voting at any such Election, shall, before the First Day of *December* next after his Name shall be so removed from the said College Books or have taken such Degree, pay to the said College the Sum of Five Pounds, and thereupon his Name shall be placed or retained upon the Books of the said University, and he shall be entitled to vote at any such Election for his Life without any further Payment; providing always, that no Person shall be entitled to vote at any Election of a Member or Members to serve in any future Parliament for the said University by reason of any Degree of a purely honorary Nature.

Name on College Books same as on Books of University.

V. Provided always, and be it enacted, That every Person having his Name on the said College Books shall be considered for all Purposes as having his Name on the Books of the said University, but that the Payments to be made by such Person shall be regulated by the Rules and Statutes of the said College.

Registrar to make out alphabetical List of Electors, and cause Copies to be printed.

VI. And be it enacted, That in the Month of *December* in every Year after the passing of this Act the Registrar of the said College shall make out an alphabetical List of the Names of the Electors entitled to vote at any such Election; and the said Registrar shall cause Copies of such List to be printed in the Month of *January* in each Year, and shall give a Copy of such List to any Elector applying for the same, upon being paid Two Shillings and Sixpence for each Copy; and the said Registrar shall each Year publish a Copy of such List in the University Calendar, when such Calendar shall be published, or in some One or more of the public Journals having general Circulation in *Ireland*.

Registrar shall annually revise the List, and expunge the Names of dead Electors.

VII. And be it enacted, That the said Registrar shall annually revise and correct such List, and shall expunge therefrom the Name of every Elector whom the said Registrar shall be informed and believe to be dead, and the Name of such Elector shall be removed from the Books of the said University: Provided always, that in case the Name of any Elector shall have been expunged upon the Supposition that he was dead, and it shall appear that such Elector is still living, his Name shall immediately be restored, and again placed upon the Books of the said University and such List, and he shall thereupon be entitled to vote at any such Election as fully as if his Name had not been so removed.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXV.

An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in *Ireland*. [30th *July* 1842.]

‘ WHEREAS an Act was passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign ‘ of His late Majesty King *George* the Third, intituled *An Act to establish the Business of a Pawn-* 26 G. 3. (I.)
‘ *broker, and to authorize such Persons as shall be duly qualified to carry on the same to lend Money on*
‘ *Pawns or Pledges, and to receive Interest at a higher Rate than heretofore was recoverable by Law,*
‘ and accordingly by virtue of such Act the Trade or Business of a Pawnbroker was established in
‘ *Ireland;* and it is provided and enacted, that after the First Day of *May* One thousand seven hundred
‘ and eighty-six every Person purposing to become a Pawnbroker shall enter into and execute a Bond, as
‘ therein mentioned, in the penal Sum of Three hundred Pounds Sterling, conditioned for the due and
‘ faithful Discharge of all Trusts, Matters, and Things committed to his or her Care or to him or her
‘ relating in consequence of becoming or being a Pawnbroker, and of the said Duties thereby required of
‘ such Pawnbroker, and is also required to procure Three or more proper and sufficient Persons also to enter
‘ into and execute a separate and distinct Bond, as therein mentioned, in the penal Sum of One hundred
‘ Pounds Sterling, for the Security of all Persons who should have any Dealing with such Person following
‘ the Business of a Pawnbroker pursuant to that Act, that such Pawnbroker shall duly and faithfully discharge
‘ the several Duties thereby required of him or her; and by the said Act certain Penalties and Forfeitures
‘ are imposed upon all Persons whomsoever who shall after the First Day of *May* One thousand seven
‘ hundred and eighty-six commence or follow the said Business of a Pawnbroker, who shall not have entered
‘ into and given such Securities as therein-before and also as herein-before mentioned; and the said Act
‘ contains divers Provisions touching the Mode in which the Trade or Business of a Pawnbroker is to be
‘ carried on, and imposes divers Penalties and Forfeitures upon Persons guilty of any Malpractices in the
‘ said Trade: And whereas an Act was passed in the Parliament of *Ireland* in the Twenty-eighth Year of
‘ the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain, amend, and render* 28 G. 3. (I.)

'*more effectual an Act passed in the Twenty-sixth Year of the Reign of His present Majesty King* George '*the Third, intituled "An Act to establish the Business of a Pawnbroker, and to authorize such Persons as* '*"shall be duly qualified to carry on the same to lend Money on Pawns or Pledges, and to receive Interest* '*"at a higher Rate than heretofore was recoverable by Law,"* and thereby it is enacted, that if any 'Person or Persons, not being duly qualified and licensed, shall in any Manner presume to use, exercise, 'or carry on the said Trade or Business of a Pawnbroker, every such Person so offending shall forfeit 'and pay, for each and every such Offence, the further Penalty therein mentioned, recoverable as therein 'mentioned; and the same Act contains certain Provisions requiring certain Certificates to be obtained 'and additional Security to be given by all Pawnbrokers residing within the District of the Metropolis 'of the City of *Dublin*, or within Three Miles thereof, and requires a certain Oath to be taken by 'every Pawnbroker so residing as last mentioned; and the said Act contains divers other Enactments 'inflicting Pains and Penalties upon Persons guilty of Malpractices in the said Trade or Business of 'a Pawnbroker: And whereas certain charitable Institutions or Societies have been formed in *Ireland*, 'commonly called Charitable Pawn Offices, or *Monts de Piété*, the Object of which Institutions or 'Societies is to lend Money to poor Persons on the Pledge or Deposit of Goods; and the Profits 'arising from such Institutions or Societies, after the Payment of necessary Expences, are devoted to 'charitable Purposes: And whereas it is expedient that such Institutions or Societies should be encouraged 'and aided by legislative Enactments, provided that due and proper Precautions be taken to secure such 'Profits as aforesaid for charitable Purposes, and prevent their being applied by the Projectors for their 'own Benefit; and such proper Precautions may be insured by a Compliance, by or on behalf of such 'Institutions or Societies, with the Provisions in that Behalf contained in the Act of Parliament next 'herein-after recited or referred to: And whereas an Act was made and passed in the Sixth and Seventh
6 & 7 W. 4. c. 55. 'Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws* '*relating to Loan Societies in* Ireland, and by that Act divers Provisions are made for the Establishment 'and Management of certain Institutions called Loan Societies or Loan Funds, which Institutions were 'formed for the Purpose of raising from Time to Time, by Loans from the Members of such Societies or 'from other Persons, at a Rate of Interest not exceeding Six *per Centum per Annum*, or by Donations, 'a Stock or Fund for the Purpose of granting Loans to the industrious Classes, in Sums not exceeding 'Ten Pounds to any One Individual at any One Time, but at a Rate of Interest higher than is allowed 'by Law to be taken on ordinary Loans; and by the said Act proper Provisions are made for the 'Enrolment of such Societies, and full and proper Provision is made for securing for charitable Purposes 'the net Profits of every Society established under the Provisions of that Act, or which may become 'entitled to the Benefit thereof; and it is by the said Act enacted, that if any Society or Societies, 'then or thereafter to be formed for the Purpose of establishing Charitable Pawn or Deposit Offices 'at which Money may be lent to the industrious Poor upon Pledge, shall be desirous of having the 'Benefit of that Act, such Society or Societies shall in like Manner cause the Rules framed or to 'be framed for their Management respectively to be certified, deposited, and enrolled in manner 'therein-before directed with reference to Loan Fund Societies desiring the Benefit of that Act, and 'thereupon such Societies respectively shall be deemed and entitled to and shall have the Benefit of 'the Provisions contained in that Act, so far as the same are applicable to the Objects of such Charitable 'Pawn or Deposit Offices: And whereas, in consequence of the Provisions touching the Qualifi- 'cations and Licence required for Pawnbrokers respectively contained in the said Two several Acts 'of Parliament first herein-before recited or referred to, Doubts have arisen whether the Directors, 'Trustees, and Managers of, and other Persons conducting or assisting in the Conduct of, the said 'Institutions or Societies called Charitable Pawn or Deposit Offices, do not incur Penalties for and 'as acting as Pawnbrokers without a proper Qualification or Licence, notwithstanding they may be 'enrolled under and entitled to the Benefit of the last herein-before recited Act, and notwithstanding such 'Persons may have caused their Manager, Clerk, Agent, or Servant to be licensed as required by the said 'Two first-recited Acts for carrying on their said Business, it being held and considered that a Com- 'pliance with the Forms required by the said Two first-mentioned Statutes, in the Name of a Manager, 'Clerk, Agent, or Servant not beneficially and substantially personally interested in the said Business, is 'not sufficient to exempt the said Directors, Trustees, Managers, Conductors, and other Persons from the 'Penalties imposed by the said Two first-mentioned Acts upon unqualified Persons acting as Pawnbrokers: 'And whereas, for the Encouragement of the said charitable Institutions or Societies, it is expedient that 'such Doubts should be removed; and it is expedient also to provide for the Inconvenience that may 'from Time to Time arise from the Death of the Person who may be licensed or authorized to act as a 'Pawnbroker, or from his ceasing to act on behalf of the Society on whose Behalf he may have been 'originally licensed in the Interval before a Successor can be licensed and authorized to act, and it is 'expedient also to make such other Provisions as herein-after touching the Person to be so 'licensed or authorized to act:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That none of the Clauses or Provisions touching or requiring any Securities, Licence, or Qualification to be given, taken, or acquired, or other Forms to be complied with on the Part of any Person or Persons commencing or carrying on the Business of Pawnbrokers, respectively contained in the said Two several Acts first herein-before mentioned or referred to, or either of them, shall be held or construed to subject or render liable any Director, Trustee,

Managers, &c. of Charitable Pawn Societies exempted from Penalties for acting as un-

Trustee, Manager, or Subscriber of, or any Manager, Clerk, Agent, Servant, or other Person in any way connected with, or conducting or assisting in the Conduct of any Institution or Society now or hereafter to be formed in *Ireland* for the Purpose of establishing in *Ireland* a Charitable Pawn or Deposit Office, to any Penalty, Forfeiture, or Punishment whatever in respect of any Act, Deed, or Thing at any Time heretofore or to be at any Time hereafter done or omitted to be done by any Director, Trustee, Manager, or Subscriber of, or any Agent, Servant, or other Person connected with or conducting or assisting in the Conduct of any such Institution or Society, at the usual Place or Places of conducting the Business of the said Institution or Society; provided that such Institution or Society shall, by having complied with the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, have become and for the Time being continue entitled to the Benefit of the Provisions of that Act; and provided that some Manager, Clerk, Servant, or Agent of the said Institution or Society shall, on behalf of the said Institution or Society, have complied with the Forms and Requisites of the said Two first-recited Acts, or such of them as may be applicable to the Place or Places respectively where the Business of the said Institution or Society may be conducted, in such and the same Manner as would enable such Manager, Clerk, Servant, or Agent to act as a Pawnbroker on his own Behalf.

qualified Persons, provided the Societies are entitled to the Benefit of 6&7 W. 4. c. 55., and a Licence be taken in the Name of a Manager or Clerk.

II. And be it enacted, That whenever it shall happen that a Licence or Authority shall have been once obtained by or on behalf of any Manager, Clerk, Servant, or Agent of any such Institution or Society as aforesaid, the whole Business may be conducted in his Name in all respects as if he were beneficially interested; and such Licence or Authority shall be and enure for the Benefit of the said Institution or Society, and the Directors, Members, Managers, and Subscribers thereof, and all Persons conducting and assisting in the Conduct thereof, so as to save them from all Penalties for acting as Pawnbrokers without proper Qualification or Licence at their usual Places of Business respectively, not only during such Time as such Manager, Clerk, Servant, or Agent shall be actually employed for or on behalf of the said Institution or Society in the Management or Conduct of their Business or in assisting therein, but for the Space of Six Calendar Months from and after the Death of such Manager, Servant, or Agent, or from and after the Time when such Manager, Servant, or Agent shall cease to act or be employed for or by the said Institution or Society, whichever shall first happen, but not for a longer Period than Six Calendar Months from such Time as aforesaid.

Licence to enure for Six Months after the Death of the Clerk, or his ceasing to be employed, but his Sureties to remain liable.

III. Provided always, and be it enacted, That all Bonds and Securities given or procured to be given by, for, or on behalf of such Manager, Servant, or Agent, pursuant to the said Two several first herein-before recited Acts, or either of them, shall extend to and be deemed to be in force for securing during the said Period of Six Months the Observance and Performance, by and on behalf of all Persons acting for and on behalf of the said Institution or Society on whose Behalf the said Person shall have acted, of every Act, Matter, and Thing which the said Person so licensed would or ought to do or perform, or omit to do or perform, if living, and acting on his own Behalf in the Conduct of the Business of the said Institution or Society, in like Manner to all Intents and Purposes as if such Person were living and actually personally carrying on the Business of a Pawnbroker, at the usual Place of conducting Business by the said Society, for and during such Period of Six Months from such Death or ceasing to act as aforesaid.

Bonds, &c. of Managers, Servants, and Agents shall remain in force for Six Months after their Deaths or ceasing to act.

IV. Provided always, and be it enacted, That nothing herein contained shall extend to exempt the Managers of any such Institution or Society as aforesaid, or any other Persons whatever, from any Penalties or Forfeitures by reason of any Malpractices in the Trade or Business of a Pawnbroker, it being the true Intent and Meaning of this Act to confine the Exemption of the Parties hereby exempted solely to the Want of Licence or Qualification, or Non-compliance with the Forms required by the said Two first-recited Acts.

Nothing herein to exempt the Managers of Pawn Societies, &c. from any Penalty for Malpractices.

V. And be it enacted, That not only shall the Person so licensed as aforesaid, or in whose Name the Business of a Pawnbroker shall be conducted on behalf of any such Institution or Society as aforesaid, be liable to every Penalty and Forfeiture for Malpractices contained in or imposed by the said Two first-mentioned Acts, in like Manner in all respects as if he were conducting the Business of a Pawnbroker on his own Account, and his Sureties be liable as herein-before provided, but the Goods, Property, and Effects of the said Institution or Society on whose Behalf he shall be so licensed or act shall be liable to Seizure and Distress for all Forfeitures and Penalties which may be incurred by him, or by any other Person assisting in the Management of the said Business, at the Place where the Business of the said Institution or Society shall be carried on, in like Manner as if such Funds and Property were the Funds and Property of the Person so licensed or authorized as aforesaid: Provided always, that nothing herein contained shall in any way be deemed to vest in the said Person, or give him, or his Executors, Administrators, or Assignees, any Estate, Right, or Interest in the Goods, Property, or Effects of the said Company, or render such Goods, Property, or Effects of the said Company in any way subject to Claims by the Creditors of such Person, or any other Persons claiming through him, save only in respect of Forfeitures or Penalties incurred in the Trade of a Pawnbroker at the usual Place of conducting the Business of the Institution or Society for or on whose Benefit he shall be licensed to act.

Not only the Party licensed but the Property of the Institutions to be liable for Penalties for Malpractices.

Act not to vest Property in the Person licensed, except to render it liable for Penalties.

VI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons, without the same beingpecially shown or pleaded.

Public Act.

CAP.

CAP. LXXVI.

An Act for the Government of *New South Wales* and *Van Diemen's Land.* [30th *July* 1842.]

'WHEREAS it is expedient that further Provision be made for the Government of *New South Wales;*' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be within the Colony of *New South Wales* a Legislative Council, to be constituted in the Manner and for the Purposes herein-after mentioned, and that the said Legislative Council shall consist of Thirty-six Members, and that Twelve of the Members of the said Council shall from Time to Time, in the Manner herein-after mentioned, be appointed by Her Majesty, and that Twenty-four of the Members of the said Council shall from Time to Time, in the Manner herein-after mentioned, be elected by the Inhabitants of the said Colony.

Legislative Council to be constituted.

Electoral Districts to be constituted.

II. And be it enacted, That the Legislature now by Law established within the said Colony of *New South Wales* shall, by Ordinances to be for that Purpose made and enacted in the Manner and subject to the Conditions now by Law required in respect of any Ordinances made and enacted by the said Legislature, make all necessary Provisions for dividing the Parts of the said Colony within the Boundaries of Location into convenient Electoral Districts, and for appointing and declaring the Number of Members to be elected for each such District, and for the Compilation and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for the issuing, executing, and returning the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections: Provided always, that the District of *Port Phillip* and the Towns of *Sydney* and *Melbourne* shall be Electoral Districts; and that the District of *Port Phillip* shall return at least Five Members, the Town of *Sydney* shall return Two Members, and the Town of *Melbourne* shall return One Member: Provided also, that for the Purposes of this Act the Boundary of the District of *Port Phillip* on the North and North-east shall be a straight Line drawn from *Cape How* to the nearest Source of the River *Murray*, and thence the Course of that River to the Eastern Boundary of the Province of *South Australia.*

Boundaries of Cities and Towns to be settled by the Governor.

III. And be it enacted, That, for the Purpose of electing their several Representatives to the said Legislative Council, the Towns of *Sydney* and *Melbourne*, and such other Towns as shall be declared Electoral Districts, shall be deemed to be bounded and limited in such Manner as the Governor of the Colony of *New South Wales*, by Proclamation to be published in the *New South Wales* Government Gazette, or by Letters Patent under the Great Seal of the Colony, shall set forth and describe; and such Parts of any such Town (if any) which shall not be included within the Boundary set forth or described in such Proclamation or Letters Patent, for the Purposes of this Act, shall be taken to be a Part of the adjoining District, for the Purpose of being represented in the said Legislative Council.

Power to alter System of Representation.

IV. And be it enacted, That it shall be lawful for the Governor and the said Legislative Council of the Colony of *New South Wales*, by any Act or Acts to be hereafter passed, to alter the Divisions and Extent of the several Districts and Towns which shall be represented in the Legislative Council, and to establish new and other Divisions of the same, and to alter the Number of Members of the Council to be chosen by the said Districts and Towns respectively, and to increase the whole Number of the Legislative Council, and to alter and regulate the Appointment of Returning Officers in and for the same, and make Provision in such Manner as they may deem expedient for the issuing and Return of Writs for the Election of Members to serve in the said Legislative Council, and the Time and Place for holding such Elections: Provided always, that such Number of the additional Councillors as is equal to One Third Part of the whole Increase, or, if such Increase shall not be exactly divisible by Three, such whole Number as is next greater than One Third of the whole Increase, shall be appointed by Her Majesty, and the remaining additional Members of the Council shall be elected by the Inhabitants of the Colony in like Manner as the Elective Members first constituted under this Act.

Qualification of Electors.

V. And be it enacted, That the Elective Members shall be chosen by the Votes of the Electors, each of whom shall be either in his own Right seised of or entitled to an Estate of Freehold in possession in Lands or Tenements situate within the District for which such Vote is to be given, of the clear Value of Two hundred Pounds Sterling Money at the least, above all Charges and Incumbrances in any way affecting the same, or a Householder within such District occupying a Dwelling House of the clear annual Value of Twenty Pounds Sterling Money at the least.

Persons disqualified to vote.

VI. And be it enacted, That no Person shall be entitled to vote at any such Election as aforesaid unless he be of the full Age of Twenty-one Years, and a natural-born Subject of the Queen, or shall have been naturalized, or shall hold Letters of Denization, according to Law; and that no Person shall be entitled to vote at any such Election who shall have been attainted or convicted of any Treason, Felony, or infamous Offence within any Part of Her Majesty's Dominions, unless he shall have received a free Pardon, or one conditional on not leaving the Colony, for such Offence, or shall have undergone the Sentence or Punishment to which he shall have been adjudged for such Offence.

Possession or Occupancy, and Payment of Taxes, requisite to Qualification.

VII. And be it enacted, That no Person shall be entitled to vote at any such Election as aforesaid unless he shall have been in possession of the Estate, or in occupancy of the House, by reason of which he is qualified to vote, for at least Six Calendar Months next before the Date of the Writ for such Election, or, in case a Registration of Electors shall be established in the Colony, next before the last Registration of Electors in the District; nor shall any Person be entitled to vote at any such Election unless

at

at the Time of such Election or Registration of Electors (as the Case may be) he shall have paid up all Rates and Taxes which shall have become payable by him as Owner in respect of such Estate, or as Occupier in respect of such Occupancy, except such as shall have become payable during Three Calendar Months next before such Election or Registration respectively.

Qualification of elective Members of Council.

VIII. And be it enacted, That no Person shall be capable of being elected a Member of the Legislative Council who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of the Queen, or naturalized by Law, or who shall not be legally or equitably seised of an Estate of Freehold, for his own Use and Benefit, in Lands and Tenements in *New South Wales* of the yearly Value of One hundred Pounds Sterling Money, or of the Value of Two thousand Pounds Sterling Money, above all Charges and Incumbrances affecting the same.

Declaration by Candidates.

IX. And be it enacted, That every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:

'I *A.B.* do declare and testify, That I am duly seised at Law or in Equity of an Estate of Freehold, for 'my own Use and Benefit, in Lands or Tenements in the Colony of *New South Wales*, of the yearly 'Value of One hundred Pounds Sterling Money [*or* of the Value of Two thousand Pounds Sterling 'Money, *as the Case may be*], above all Charges and Incumbrances affecting the same; and that I have 'not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements, 'or any Part thereof, for the Purpose of qualifying or enabling me to be returned a Member of the Legis-'lative Council of the Colony of *New South Wales*.'

False Declarations liable to the Penalties of Perjury.

X. And be it enacted, That if any Person shall knowingly and wilfully make a false Declaration respecting his Qualification as a Candidate at any Election as aforesaid, such Person shall be deemed to be guilty of a Misdemeanor, and being thereof lawfully convicted shall suffer the like Pains and Penalties as by Law are incurred in *New South Wales* by Persons guilty of wilful and corrupt Perjury.

Writ for new Election in case of Vacancy.

XI. And be it enacted, That whenever it shall be established, to the Satisfaction of the Governor of the said Colony, that the Seat of any Elective Member of the Legislative Council hath become vacant, the Governor, unless other Provision in that Behalf be made by the Governor and Legislative Council, as herein-before provided, shall forthwith issue a Writ for the Election of a Member to serve in the Place so vacated, during the Remainder of the Term of the Continuance of the said Council, and no longer.

Appointment of Part of the Council.

XII. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant or Warrants to be from Time to Time issued under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's Principal Secretaries of State, to nominate such Part of the said Council as according to this Act is to be appointed by Her Majesty, and to designate such Non-elective Members of the said Council either by their proper Names, or as Holders for the Time being of any public Offices within the said Colony; and it shall also be lawful for Her Majesty, by any such Warrant or Warrants, from Time to Time to delegate to the Governor of the said Colony the Power of nominating and designating such Non-elective Members of the said Council, either by their proper Names, or as Holders for the Time being of any such public Offices as aforesaid, which delegated Power shall nevertheless be exercised by any such Governor provisionally only, and until Her Majesty's Pleasure shall be known, and shall not be exercised until the Return of the Writs for the Election of all the Elective Members: Provided always, that not more than Half the Number of such Non-elective Members shall hold any Office of Emolument under the Crown within the said Colony.

Appointment how made.

XIII. And be it enacted, That every Appointment which shall be made by the Governor of any Non-elective Member of the said Legislative Council shall be made by Letters Patent to be for that Purpose issued under the Public Seal of the said Colony.

Tenure of Office of Non-elective Councillor.

XIV. And be it enacted, That every Non-elective Member of the Legislative Council of the Colony of *New South Wales* shall hold his Seat therein for Five Years from the Day of his Appointment, or until the Council shall be sooner dissolved, subject nevertheless to the Provisions herein-after contained for vacating the same.

Resignation of Legislative Councillor.

XV. And be it enacted, That it shall be lawful for any Member of the Legislative Council of the Colony of *New South Wales*, by Writing under his Hand addressed to the Governor, to resign his Seat in the said Legislative Council, and upon such Resignation the Seat of such Legislative Councillor shall become vacant.

Causes by which Seat may be vacated.

XVI. And be it enacted, That if any Legislative Councillor of the Colony of *New South Wales* shall for Two successive Sessions of the Legislature of the said Colony fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the said Colony, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, or shall become *non compos mentis*, his Seat in such Council shall thereby become vacant.

Vacation of the Seat of Official Councillors.

XVII. And be it enacted, That if any Person who shall have been designated as a Non-elective Member of the Legislative Council as the Holder of a public Office shall cease to hold such Office, his Seat in the Council shall thereupon become vacant.

XVIII. And

Trial of Questions of Vacancy.

XVIII. And be it enacted, That any Question which shall arise respecting any Vacancy in the Legislative Council of the Colony of *New South Wales*, on occasion of any of the Matters aforesaid, shall be heard and determined by the said Legislative Council, on such Questions being referred to them for that Purpose by the Governor of the said Colony, and not otherwise.

Vacancy among appointed Members of Council, how supplied.

XIX. And be it enacted, That in case of the Vacancy of the Seat of any Non-elective Member of the said Council who shall have been designated as the Holder of a public Office, the Seat shall continue vacant until the Appointment of another Person to fill the same Office, and in the Case of the Vacancy of the Seat of any Non-elective Member of the said Council, who shall have been so designated by his proper Name, it shall be lawful for the Governor of the said Colony to designate by Name and appoint some Person to succeed to the Place in the said Council of the Member so vacating his Seat, which Appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until a new Appointment, made by a Warrant to be issued as aforesaid under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's Principal Secretaries of State; and in case any such Appointment shall be simply disallowed by Her Majesty, the Governor shall make a new Appointment, subject as aforesaid to Her Majesty's Approval; and every such Appointment, Disallowance, and new Appointment shall take effect from the Time of the Notification thereof by the Governor in the *New South Wales* Government Gazette.

Place and Times of holding Council.

XX. And be it enacted, That it shall be lawful for the Governor of the said Colony for the Time being to fix such Place or Places within any Part of the said Colony, and such Times for holding the first and every other Session of the said Council, as he may think fit, such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the public Welfare, giving sufficient Notice thereof, and also to prorogue the said Council from Time to Time, and dissolve the same, by Proclamation or otherwise, whenever he shall deem it expedient.

Duration of Council.

XXI. And be it enacted, That there shall be a Session of the said Council once at least in every Year, so that a Period of Twelve Calendar Months shall not intervene between the last Sitting of the Council in one Session and the first Sitting of the Council in the next Session, and that every Council shall continue for Five Years from the Day of the Return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor of the said Colony.

First calling together of the Council.

XXII. And be it enacted, That the first Writs for the Election of Members of the said Council shall issue at some Period not later than Twelve Calendar Months after the Proclamation of this Act within the said Colony.

Election of Speaker.

XXIII. And be it enacted, That the said Legislative Council shall at its First Meeting, and before proceeding to the Despatch of any other Business, elect some one Member of such Council to be the Speaker thereof, and as often as the Place of the said Speaker shall become vacant by the Death, Resignation, or Removal by a Vote of the said Council, shall again elect some other Member to be Speaker thereof, and the Speaker so elected shall preside at all Meetings of the said Council: Provided nevertheless, that it shall be lawful for the Governor for the Time being of the said Colony to disallow the Choice of any such Speaker, and upon such Disallowance being signified by the said Governor to the Legislative Council such Appointment shall become and be absolutely null and void, and the said Legislative Council shall forthwith proceed to the Choice of some other Member of the same to be Speaker thereof, and so from Time to Time until the Choice of a Speaker who shall be allowed by the Governor for the Time being.

Number necessarily present for Transaction of Business.

XXIV. And be it enacted, That the said Legislative Council shall not be competent to the Despatch of Business unless there be present, exclusive of the Speaker, One Third Part at least of the Members of the said Council; and that all Questions which shall arise in the said Council shall be decided by the Majority of Votes of those Members of the Council who shall be present other than the Speaker, and in all Cases where the Votes shall be equal the Speaker shall have a casting Vote.

Members to take the Oath of Allegiance.

XXV. And be it enacted, That no Member of the said Legislative Council shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the said Colony, or before some Person or Persons authorized by such Governor to administer such Oath:

'I *A.B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her 'Majesty Queen *Victoria* as lawful Sovereign of the United Kingdom of *Great Britain* and *Ireland*, 'and of this Colony of *New South Wales*, dependent on and belonging to the said United Kingdom; 'and that I will defend Her, to the utmost of my Power, against all traitorous Conspiracies and 'Attempts whatever which shall be made against Her Person, Crown, and Dignity; and that I will do 'my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all 'Treasons and traitorous Conspiracies and Attempts which I shall know to be against Her or any of 'them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and 'renouncing all Pardons and Dispensations from any Person or Persons whatever to the contrary.

'So help me GOD.'

Affirmation.

XXVI. And be it declared and enacted, That every Person authorized by Law to make an Affirmation instead of taking an Oath may make such Affirmation in every Case in which an Oath is herein-before required to be taken.

Standing Orders to be adopted.

XXVII. And be it enacted, That the said Council at its First Meeting, and from Time to Time afterwards as there shall be Occasion, shall prepare and adopt such Standing Rules and Orders as shall appear

appear to the said Council best adapted for the orderly Conduct of the Business of such Council, which Rules and Orders shall by such Council be laid before the Governor of the Colony, and, being by him approved, shall become binding and in force, subject nevertheless to the Confirmation or Disallowance of Her Majesty in manner herein-after provided respecting the Ordinances to be made by the Governor and Council of the said Colony.

Re-election and Re-appointment of Council.

XXVIII. And be it enacted, That upon any Dissolution or other Determination of the said Council it shall be lawful for the Governor of the said Colony to issue new Writs for the General Election of Elective Members to serve in the Legislative Council; and after the Return of such Writs it shall be lawful for the Governor, in the Name and on the Behalf of Her Majesty, to nominate and appoint the Non-elective Members to serve in the Legislative Council, which Appointments shall be valid and effectual until the same shall be disallowed by Her Majesty, or until new Appointments made by a Warrant or Warrants to be issued under Her Majesty's Sign Manual, and countersigned by One of Her Majesty's Principal Secretaries of State, which new Appointments shall be taken as a Disallowance of the Appointments by the Governor in respect of which they are made; and in case any such Appointment by the Governor shall be simply disallowed by Her Majesty, the Governor shall make a new Appointment, subject as aforesaid to be disallowed by Her Majesty; and every such Appointment, Disallowance, and new Appointment shall take effect from the Time of the Notification thereof by the Governor in the *New South Wales* Government Gazette.

Governor and Legislative Council authorized to make Laws.

XXIX. And be it enacted, That the Governor of the said Colony of *New South Wales*, with the Advice and Consent of the said Legislative Council, shall have Authority to make Laws for the Peace, Welfare, and good Government of the said Colony: Provided always, that no such Law shall be repugnant to the Law of *England*, or interfere in any Manner with the Sale or other Appropriation of the Lands belonging to the Crown within the said Colony, or with the Revenue thence arising.

Governor may propose Laws and Amendments, and may return Bills amended.

XXX. And be it enacted, That it shall be lawful for the Governor of the said Colony of *New South Wales* to transmit to the said Council for its Consideration the Drafts of any such Laws which it may appear to such Governor desirable to introduce, and any Amendments which he shall desire to be made in any Bill presented to him for Her Majesty's Assent, and such proposed Laws shall thereupon be considered by the Council in like Manner as if the same were Bills which had originated therein; and it shall be lawful for the Council to return any Bill in which the Governor shall have so made any Amendments, with a Message signifying to which of the Amendments the Council agree, and those to which they disagree, and thereupon the Bill shall be taken to be presented for Her Majesty's Assent, with the Amendments so agreed to.

Giving or withholding Assent to Bills.

XXXI. And be it enacted, That every Bill which has been passed by the said Council, and also every Law proposed by the Governor which shall have been passed by the said Council, whether with or without Amendments, shall be presented for Her Majesty's Assent to the Governor of the said Colony, and that the Governor shall declare according to his Discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from Time to Time be given in that Behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's Name, or that he withholds Her Majesty's Assent, or that he reserves such Bill for the Signification of Her Majesty's Pleasure thereon; and all Bills altering or affecting the Divisions and Extent of the several Districts and Towns which shall be represented in the Legislative Council, or establishing new and other Divisions of the same, or altering the Number of the Members of the Council to be chosen by the said Districts and Towns respectively, or increasing the whole Number of the Legislative Council, or altering the Salaries of the Governor, Superintendent, or Judges, or any of them, and also all Bills altering or affecting the Duties of Customs upon any Goods, Wares, or Merchandize imported to or exported from the said Colony, shall in every Case be so reserved, except such Bills for temporary Laws as the Governor shall expressly declare necessary to be forthwith assented to by reason of some public and pressing Emergency.

Disallowance of Bills assented to.

XXXII. And be it enacted, That whenever any Bill which shall have been presented for Her Majesty's Assent to the Governor of the said Colony shall by such Governor have been assented to in Her Majesty's Name, the Governor shall by the first convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of such Bill so assented to; and that it shall be lawful, at any Time within Two Years after such Bill shall have been so received by the Secretary of State, for Her Majesty, by Order in Council, to declare Her Disallowance of such Bill; and that such Disallowance, together with a Certificate under the Hand and Seal of the Secretary of State certifying the Day on which such Bill was received as aforesaid, being signified by the Governor to the Legislative Council of the said Colony, by Speech or Message to the said Council, or by Proclamation in the *New South Wales* Government Gazette, shall make void and annul the same from and after the Day of such Signification.

Assent to Bills reserved.

XXXIII. And be it enacted, That no Bill which shall be so reserved for the Signification of Her Majesty's Pleasure thereon shall have any Force or Authority within the Colony of *New South Wales* until the Governor of the said Colony shall signify, either by Speech or Message to the Legislative Council of the said Colony, or by Proclamation, as aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and that an Entry shall be made in the Journals of the said Legislative Council of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper Officer, to be kept among the Records of the said Colony; and that no Bill which shall

be so reserved as aforesaid shall have any Force or Authority in the said Colony unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the Space of Two Years from the Day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Appropriation of Taxes and Duties.

XXXIV. And be it enacted, That, with the Deductions and subject to the Provisions herein-after contained, the whole of Her Majesty's Revenue within the said Colony, arising from Taxes, Duties, Rates, and Imposts levied on Her Majesty's Subjects within the said Colony, shall be appropriated to the public Service within the said Colony, by Ordinances to be for that Purpose enacted by the Governor, with the Advice and Consent of the Legislative Council of the said Colony, and in no other Manner: Provided always, that it shall not be lawful for the said Council to pass, or for the said Governor to assent to, any Bill appropriating to the public Service any Sums or Sum of Money arising from the Sources aforesaid, unless the Governor, on Her Majesty's Behalf, shall first have recommended to the Council to make Provision for the specific public Service towards which such Money is to be appropriated.

Issue of Money under Warrant.

XXXV. And be it enacted, That no Part of Her Majesty's Revenue in the said Colony, arising from the Sources aforesaid, shall be issued or shall be made by any such Law issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony, directed to the public Treasurer thereof.

Revenue charged with Costs of Collection, &c.

XXXVI. And be it enacted, That the said Revenue of the Colony of *New South Wales* shall be permanently charged with all the Costs, Charges, and Expences incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expences being subject nevertheless to be regulated and audited in such Manner as shall be directed by any Law of the Governor and Legislative Council.

Grants for Civil and Judicial Services.

XXXVII. And be it enacted, That out of the said Revenue Fund there shall be payable every Year to Her Majesty, Her Heirs and Successors, the Sum of Thirty-three thousand Pounds, for defraying the Expences of the several Services and Purposes in the Schedule marked (A.) annexed to this Act, and a further Sum of Eighteen thousand six hundred Pounds for defraying the Expences of the several Services and Purposes named in the Schedule marked (B.) annexed to this Act, and a further Sum of Thirty thousand Pounds for defraying the Expences of the several Services and Purposes named in the Schedule marked (C.) annexed to this Act, the said Sums of Thirty-three thousand Pounds, Eighteen thousand six hundred Pounds, and Thirty thousand Pounds, to be issued by the Treasurer of the said Colony in discharge of such Warrant or Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

How the Appropriation of Sums granted may be varied.

XXXVIII. And be it enacted, That, until altered by any Bill passed by the said Legislative Council, and assented to by Her Majesty, the Salaries of the Governor, Superintendent, and Judges shall be those respectively set against their several Offices in the said Schedule marked (A.); but that it shall be lawful for the Governor to vary the Sums appropriated to any of the Services or Purposes named in the said Schedule (B.); and that the Amount of Saving which may accrue from any such Alterations in either of the said Schedules shall be appropriated to such Purposes connected with the Administration of the Government of the said Colony as to Her Majesty shall seem fit; and that Accounts in detail of the Expenditure of the several Sums of Thirty-three thousand Pounds, Eighteen thousand six hundred Pounds, and Thirty thousand Pounds, herein-before granted, and of every Part thereof, shall be laid before the Legislative Council of the said Colony within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made.

Governor to intimate intended Appropriation of the Sum of 18,600*l.*

XXXIX. And be it enacted, That within Thirty Days after the Beginning of the First Session of the Legislative Council in each Year the Governor shall make known by Message to the Legislative Council the Amount of the Sums intended to be appropriated out of the said Sum of Eighteen thousand six hundred Pounds to the several Services and Purposes named in the said Schedule (B.) for the Service of the Year then next ensuing.

Governor to conform to Instructions.

XL. And be it declared and enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, or under Her Majesty's Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to convey to the Governor of the said Colony of *New South Wales* such Instructions as to Her Majesty shall seem meet, for the Guidance of such Governor, for the Exercise of the Powers hereby vested in him of assenting to or dissenting from or for reserving for the Signification of Her Majesty's Pleasure Bills to be passed by the said Council, and it shall be the Duty of such Governor to act in obedience to such Instructions.

District Councils to be established.

XLI. 'And whereas it is expedient that Provision be made for the local Government of the different 'Parts of the said Colony;' be it enacted, That it shall be lawful for the Governor, by Letters Patent under the Great Seal of the Colony of *New South Wales*, to incorporate the Inhabitants of every County within the said Colony, or of such Parts of Counties or other Divisions as to him shall seem fit, to form Districts for the Purposes of this Act, and by such several Letters Patent to establish a Council in every such District for the local Government thereof, subject to the following Provisions; (that is to say,) it shall be provided,

1. That every such District Council shall be elective, after the First Nomination thereof, as herein-after mentioned, the Elections being made in the several Districts or other fit Divisions, to be defined by the Charter, within the District, so that, until further Provision be made in this Behalf by the Governor and Legislative Council of the Colony of *New South Wales*, if the Population

Population in such District, according to the last Census taken before the Charter, be less than Seven thousand Souls, the Number of Councillors for such District shall not be more than Nine; if the Population be Seven thousand and less than Ten thousand, the Number of Councillors shall not be more than Twelve; if the Population be Ten thousand and less than Twenty thousand, the Number of Councillors shall not be more than Fifteen; if the Population be Twenty thousand and upward, the Number of Councillors shall not be more than Twenty-one:

2. That, until further Provision be made in this Behalf by the Governor and Legislative Council of the Colony of *New South Wales*, the District Councillors shall be Persons qualified to be elected Members of the Legislative Council, and shall be elected to such Office by the Persons qualified to vote in the Election of Members of the Legislative Council within the District in which the Election is made:

3. That no District Councillor shall hold any lucrative Office or Appointment under such District Council, or enter into or be concerned or interested in any Contract or any pecuniary Dealings with such District Council, under a Penalty or Penalties to be fixed in such Letters Patent of Incorporation:

4. That no District Councillor shall continue in Office for more than Three Years, unless re-elected:

5. That the District Council shall be presided over by a Warden, to be appointed and be removeable by Her Majesty, or by the Governor in the Name of Her Majesty:

6. That a District Surveyor who shall have passed an Examination before a competent Tribunal, approved by the Governor, shall be appointed in each District for superintending the Construction of Roads and other public Works undertaken by Authority of the District Council; and that the District Surveyor and all other Officers needed for the Exercise of the Powers of the District Council shall be appointed and be removeable by the District Council, subject to the Approval of the Governor:

7. That Accounts in detail of all Monies expended in every Year by or under the Authority of the District Councils be laid before the Governor and otherwise published in such Manner as may be directed by the Charter, or provided by any Law of the Governor and Legislative Council of the Colony of *New South Wales*.

For what Purposes the Council may make Bye Laws.

XLII. And be it enacted, That it shall be lawful for each of the said Councils in the said Districts respectively to make Orders and Bye Laws for all or any of the following Purposes; (that is to say,)

For making, maintaining, or improving any new or existing Road, Street, Bridge, or other convenient Communication and Means of Passage through the District, or for stopping up, altering, or diverting any Road, Street, or Communication within the Limits of the District:

For building, repairing, and furnishing public Buildings:

For the Purchase of such Real and Personal Property situate within the District as shall be required, in the Opinion of the Council, for the Use of the Inhabitants thereof:

For the Sale of such Part of the Real and Personal Property belonging to the District as shall have ceased, in the Opinion of the Council, to be useful to the Inhabitants;

For the Management of all Property belonging to the District:

For providing the Means of defraying such Expences of or connected with the Administration of Justice and Police within the District as are or shall be herein-after by Law directed to be defrayed by the District, or out of the District Funds:

For providing for the Establishment and Support of Schools:

For raising, assessing, levying, and appropriating such Monies as shall be required for the Purpose of carrying into effect all or any of the Objects for which the said District Councils respectively shall be empowered to make Orders and Bye Laws, which Monies shall be raised, either by means of Tolls to be paid in respect of any public Work within the District, or by means of Rates and Assessments to be assessed and levied on Real or Personal Property, or both, within the District, or in respect of such Property upon the Owners and Occupiers thereof:

For the collecting and accounting for all Tolls, Rates, and Assessments imposed or raised under the Authority of any such Council, and of the Revenues belonging to the District:

For imposing and determining reasonable Penalties to be recovered from such Persons as, having been elected to Offices as herein-before provided, shall refuse to serve the same, or refuse or neglect to take and subscribe such Oaths of Office as shall by Law be required to be taken by such Officers respectively:

For determining the Amount and Time of Payment of all Salaries or other Remuneration of District Officers to be appointed under the Authority of this Act:

For providing for any other Matters which shall be specially subjected to the Direction and Control of the said District Councils respectively by any Law of the Governor and Legislative Council of the Colony:

Provided always, that no such Bye Law shall impose any Punishment of Imprisonment, or any Penalty exceeding Ten Pounds.

No Tax to be laid on Crown Property.

XLIII. Provided always, and be it enacted, That it shall not be lawful for any such District Council as aforesaid to levy any Rate or Assessment whatever on any Lands or Tenements, Goods or Chattels, Real or Personal Estates, belonging to Her Majesty, Her Heirs and Successors.

Transmission of Bye Laws of District Councils to the Governor, for Assent.

XLIV. And be it enacted, That a Copy of every Bye Law made by any District Council under the Authority of this Act shall be transmitted by the Warden of the District, within Fourteen Days after the making thereof, to the Governor of the Colony of *New South Wales;* and it shall be lawful for the said Governor, with the Advice of his Executive Council, at any Time within Two Calendar Months after the Receipt of such Copy, to disallow such Bye Law, and such Disallowance shall without Delay be signified to the Warden of the District where such Bye Law shall have been passed, and thenceforward such Bye Law shall be void and of no Effect; and no such Bye Law shall have effect until the Expiration of the said Period of Two Calendar Months, unless the said Governor shall have given his Assent thereto before the Expiration of that Period.

Provision for further Definition of Powers of District Councils.

XLV. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the said Governor to specify in Writing, and by the said several Charters of Incorporation, the Metes and Bounds of the said several Districts, and the Number of Councillors which shall be for every District, and the Time and Manner of their Election, and to fix the Qualification of the Councillors, and to nominate, among the Persons qualified to vote in the Election of Councillors, the Councillors, being duly qualified, who shall form the First Council in every such District, and to appoint the Order and Manner in which they shall go out of Office, and to fix Penalties for qualified Persons refusing to take Office in the Council, and to make all other necessary Provisions for establishing such District Councils, for defining their Powers, and enabling them to exercise their Functions: Provided always, that, notwithstanding any such Charter, it shall be lawful for the Governor and Legislative Council of the Colony of *New South Wales* to make further or other Provisions respecting the Constitution of the said Councils, and to extend or limit the Powers of such Councils in any way which may be found expedient, so that it be not repugnant to this Act or to the Law of *England,* and to alter the Number and Boundaries of the Districts, and to establish a Council in each of such new Districts.

If no Election, Governor to appoint.

XLVI. And be it enacted, That in every Case of Vacancy of the Office of District Councillor if a new Election shall not be made within the Time prescribed by the Charter of Incorporation, or by any Law of the Governor and Legislative Council of the Colony respecting the Constitution of such District Council, the Governor shall nominate a Person duly qualified to fill the Vacancy.

Police Expenditure.

XLVII. And be it enacted, That One Half of the Expence of the Police Establishment of the said Colony (exclusive of the Convict Establishment) shall be defrayed out of the general Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half shall be defrayed by Assessment upon the several Districts of the Colony, in such Proportions as shall be from Time to Time fixed by the Governor and Legislative Council; and as soon as any Bill shall have passed the Legislative Council, and shall have been assented to by the Governor, for appropriating any Sum to the Service of the Police for the Year then next ensuing, and for apportioning an equal Sum among the several Districts of the said Colony, it shall be lawful for the Governor to issue Warrants under his Hand, directed to the Treasurers of the several District Councils, requiring them within Two Calendar Months from the Receipt of the Warrant to pay an Amount equal to the Sum assessed upon that District to such Person as the Governor shall appoint to receive the same, out of any Monies in their Hands belonging to the District.

Assessments to be levied by local Rate.

XLVIII. And be it enacted, That the Treasurer of each District Council to whom any such Warrant shall come shall pay the Amount mentioned in the Warrant out of any Monies in his Hands belonging to the District, or if there be no Monies or an insufficient Sum in his Hands, the District Council shall assess and levy the Amount by a fair and equal Rate upon all Property within the District, which the Legislative Council, or, until a Bill for that Purpose shall have been passed by the Legislative Council, and assented to by the Governor, with the Advice of his Executive Council, shall declare to be liable thereunto.

Power of Distress and Sale.

XLIX. And be it enacted, That if the Amount ordered by such Warrant to be paid by the Treasurer of any District shall not be paid, within Two Calendar Months after the Receipt of the Warrant, to such Person as the Governor shall appoint to receive the same, it shall be lawful for the public Treasurer of the said Colony, or other proper Officer appointed by the Governor for such Purpose, to issue his Warrant for levying the Amount, or so much thereof as shall be in arrear, with all Costs and Charges of such Proceeding, by Distress and Sale of the Goods of the said Treasurer of the District, and of all or any of the Members of the said District Council, and if no sufficient Distress can be thereby made, then by Distress and Sale of the Goods of any of the Inhabitants of the said District.

Amount to be expended for District Police by the Governor.

L. And be it enacted, That the Amount so contributed from each District, and an equal Sum out of the Amount appropriated out of the general Revenue for the Service of the Police, shall be expended for the Service of the Police in that District, under the Direction of the Governor; and the Surplus, if any, remaining over and above the Expenditure in each Year, shall be carried forward in diminution of the Charge for the next Year.

Provision for Constitution of new Colonies.

LI. 'And whereas the said Colony of *New South Wales* is of great Extent, and it may be fit that the 'Territories now comprised within the said Colony should be divided into separate Colonies, and Provision 'should be made for the temporary Administration of the Government of any such newly erected Colony 'as, not being comprised within the Limits herein-after mentioned, may not possess a sufficient Population

'for

'for the immediate Establishment therein of the Form of Government herein-before provided;' be it therefore enacted, That, any thing herein-before contained to the contrary notwithstanding, it shall be lawful for Her Majesty, by Letters Patent, to be from Time to Time issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to define, as to Her Majesty shall seem meet, the Limits of the Colony of *New South Wales*, and to erect into a separate Colony or Colonies any Territories which now are, or are reputed to be, or hereafter may be comprised within the said Colony of *New South Wales*: Provided always, that no Part of the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony of *New South Wales* shall by any such Letters Patent as aforesaid be detached from the said Colony.

Form of Government in any such new Colony.

LII. And be it enacted, That in case Her Majesty shall, by any such Letters Patent as aforesaid, establish any such new Colony or Colonies as aforesaid, it shall be lawful for Her Majesty, by any such Letters Patent, to authorize any Number of Persons not less than Seven, including the Governor or Lieutenant Governor of any such new Colony or Colonies, to constitute a Legislative Council or Legislative Councils for the same; and that every such Legislative Council shall be composed of such Persons as shall from Time to Time be named or designated by Her Majesty for that Purpose, and shall hold their Places therein at Her Majesty's Pleasure; and that it shall be lawful for such Legislative Council to make and ordain all such Ordinances as may be required for the Peace, Order, and good Government of any such Colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such Ordinances the said Legislative Council shall conform to and observe all such Instructions as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time make for their Guidance therein: Provided always, that no such Instructions, and that no such Ordinances as aforesaid, shall be repugnant to the Law of *England*, but consistent therewith, so far as the Circumstances of any such Colony may admit: Provided also, that all such Ordinances shall be subject to Her Majesty's Confirmation or Disallowance, in such Manner and according to such Regulations as Her Majesty, by any such Instructions as aforesaid, shall from Time to Time see fit to prescribe: Provided also, that all Instructions which shall in pursuance hereof be made by Her Majesty, with the Advice of Her Privy Council, and that all Ordinances which shall be made in pursuance hereof by any such Legislative Council of any such newly-erected Colony as last aforesaid, shall be laid before both Houses of Parliament within One Calendar Month from the Date of any such Instructions, or from the Arrival in this Kingdom of the Transcripts of any such Ordinances, if Parliament shall then be sitting, or if not, then within One Calendar Month from the Commencement of the next ensuing Session of Parliament.

Repealing Part and continuing other Parts of 9 G. 4. c. 83. as continued by 6&7W.4.c.46.; 7 W. 4. & 1 Vict. c. 42.; 1&2Vict. c.50.; 2&3Vict. c.70.; and by 3&4Vict. c. 62.

LIII. 'And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King 'George the Fourth, intituled *An Act to provide for the Administration of Justice in* New South Wales *and* 'Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto*, 'which Act was continued by Three Acts passed successively in the Seventh Year of the Reign of His 'late Majesty, in the First and in the Second Years of the Reign of Her Majesty, and was afterwards 'continued, with Amendments, by Two Acts passed in the Third and in the Fourth Years of the Reign 'of Her Majesty: And whereas so much of the said first-recited Act as relates to the Constitution of a 'Council in *New South Wales* will be superseded by this Act;' be it enacted, That so much of the said Acts or any of them as relates to the Constitution, Appointment, and Powers of a Council in *New South Wales*, therein mentioned, shall continue until the First Writs shall issue for the Election of Members of the Legislative Council under this Act, and from and after the Issue of such Writs shall be repealed, and that, subject to the Provision herein-after contained, the other Parts of the said recited Acts which, but for the passing of this Act, would expire at the End of this Session of Parliament, shall become permanent, both with respect to the said Colony of *New South Wales* and the said Colony of *Van Diemen's Land*: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or abrogate any Law or Ordinance made in pursuance of the said recited Acts or any of them, but that every such Law or Ordinance shall hereafter be as valid and effectual as if every Part of the said recited Acts had been hereby made permanent: Provided also, that it shall be lawful for the Governor and Legislative Council of the said Colony, in exercise of the Powers to them respectively granted by this present Act, and in the Manner and subject to the Rules herein-before prescribed, to repeal, vary, or alter all or any Part of the said recited Acts or any of them, or any Law or Ordinance made in pursuance thereof.

Interpretation of "Governor."

LIV. And be it enacted, That by the Word "Governor," as employed in this Act, shall be understood the Person for the Time being lawfully administering the Government of the said Colony of *New South Wales*.

Commencement of Act.

LV. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within Six Weeks after a Copy of it shall have been received by him, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Act may be amended, &c.

LVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

	£
Governor	5,000
Superintendent at Port Philip	1,500
Chief Justice	2,000
Three Puisne Judges	4,500
Salaries of the Attorney and Solicitor General, Crown Solicitors, and contingent and miscellaneous Expences of Administration of Justice throughout the Colony	20,000
	£33,000

SCHEDULE (B.)

	£
Colonial Secretary and his Department	7,000
Colonial Treasurer and his Department	5,000
Auditor General and his Department	3,000
Salary of Clerk, and miscellaneous Expences of Executive Council	600
Pensions	3,000
	£18,600

SCHEDULE (C.)

	£
Public Worship	30,000

CAP. LXXVII.

An Act to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in *Ireland;* and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in *Ireland.* [5th *August* 1842.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it was enacted, that the Boundaries of the several Boroughs named in Schedule (A.) to that Act annexed should, for the Purposes of that Act, be taken to be according to the Description of such Boundaries set forth in Schedule (C.) to that Act annexed; and by another Act passed in the same Session of Parliament, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make further Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in* Ireland, it was enacted, that for the Purposes of the said first-recited and of that Act all Places locally situate or included within the Boundaries of any of the Boroughs of *Cork, Dublin, Kilkenny, Limerick, Waterford,* and *Drogheda,* as defined under the said first-recited Act, should, from and after the Time when the said Act secondly above mentioned should come into operation, be deemed and taken to be Part or Parts of the County of the City or County of the Town of such Borough respectively, and of no other County; and every Portion, Place, or Precinct of every County of a City or County of a Town, not under the said Acts included within any such Borough, should, until Provision in that Behalf should be otherwise made under and by virtue of the said last-mentioned Act, be One Barony in itself, and should, for all Purposes of Grand Jury Presentments, and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin,* be Part of the County at large which was adjacent to it, or with which it had the largest common Boundary: And whereas the said Act secondly above recited came into operation in some of the said Boroughs after the Summer Assizes of the Year of our Lord One thousand eight hundred and forty-one: And whereas under the said recited Acts certain Parts or Portions only of the old Liberties of some of the Cities and Towns therein mentioned, and certain Parts of Parishes and other Denominations, are included within the Boundaries of the Counties of such Cities or Towns or Boroughs as defined under the Provisions of the said Acts; and other Parts or Portions of the Liberties of the same Cities or Towns, and of such Parishes and other Denominations, not being within such Boundaries, have, for the Purposes of Grand Jury Presentments, among others, become Part of the adjoining Counties; and Difficulties have been found to exist in respect of the making Presentments, and of assessing and applotting the public Money, within the same respectively: And whereas Contracts have been entered into by the Grand Juries of the same Cities and Towns, or some of them, for keeping in repair Roads in the Liberties thereof, some Portions being within and other Portions being without the Boundaries of the said Boroughs as defined under the said Acts; and Doubts have arisen as to the Manner in which

3&4 Vict. c. 108.

3&4 Vict. c. 109.

'Monies

'Monies to be presented by the Grand Juries of the Counties of the same Cities and Towns, and of the 'adjoining Counties respectively, in respect of such Contracts, should be apportioned: And whereas 'the respective Grand Juries assembled at the Assizes in the present Year, holden for certain of the said 'Counties of Cities or Counties of Towns, made divers Presentments for Monies justly chargeable, in the 'whole or part, on the whole of such Counties of Cities or Towns as existing previous to the coming 'into operation of the said Act, but the Warrants of the respective Treasurers of the Counties of such 'Cities or Towns under such Presentments would not extend to any Part of the Liberties or Suburbs of 'any of the said Cities or Towns annexed under the Provisions of the said Acts, or either of them, to an 'adjoining County, and it is expedient that Provision should be made to remedy such Difficulty;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Presentments made at the Spring or Summer Assizes in this present Year in and for any County of a City or County of a Town in *Ireland* in respect to which the Act secondly before recited came into operation after the Summer Assizes for the Year One thousand eight hundred and forty-one, together with such Sum as might have been legally added thereto by the Treasurer of such County of a City or Town before the passing of the said recited Acts of the Third and Fourth Years of the Reign of Her present Majesty, and which Presentments have not been hitherto levied, shall and may be levied and raised off such County of a City or Town, as the same is defined under the said recited Acts: Provided always, that if such Presentments, or any of them, shall include any Sum or Sums of Money, or Portions of any Sum or Sums of Money, not being Money payable in advance, to which, if the said recited Acts had not been passed, any Place or Precinct, not being under the Provisions of the said Act Part of any such Borough, would be liable to contribute, it shall and may be lawful to and for the senior Judge of Assize who shall have presided as such at the Summer Assizes of the present Year for such County of a City or Town, upon the Application of the Council of such Borough, to direct the Persons who shall have served on the respective Grand Juries of such County of a City or Town, and of the adjoining County to which such Place or Precinct has, for the Purposes and under the Provisions of the said recited Acts or one of them, been annexed, at the Summer Assizes of the present Year, to assemble, at such Time and Place as he shall direct, for the Purpose of settling and agreeing upon the Proportion of the Sum or Sums, not being Money payable in advance, which ought to be paid and contributed in respect of such Place or Precinct; and the Presentment or Presentments so made at the last Spring and Summer Assizes shall be reduced by the Amount of such Contribution as may be so settled and agreed upon, and the Residue only levied upon such County of a City or Town as defined under the said Acts, and the Warrant of the Treasurer made out or amended accordingly; and such Sum or Sums so agreed upon to be raised off such Place or Precinct shall be inserted in the Warrant of the Treasurer for the County to which such Place or Precinct shall have been annexed, and levied off such Precinct or Place as if the same had been duly presented, and when raised shall be by him paid to the Treasurer of the County of the City of which such Place or Precinct had been Part; and any Instrument under the Hands of a Majority of the Persons who shall be so assembled, and attested by the Secretaries of such Grand Juries respectively, shall be conclusive Evidence of such Agreement, and of the Proportions settled thereby.

Certain Presentments made at the Spring or Summer Assizes in this Year for Counties of Cities or Towns may be levied off such Cities or Towns as defined under the recited Acts.

For settlingthe Sums payable by Places detached from or added to such Cities or Towns.

II. And be it enacted, That in case the Members of the said respective Grand Juries so assembled shall not agree respecting the Amount or Proportion of the said Sum or Sums which ought to be allowed, paid, or contributed in respect of such Place or Precinct, or concerning the Instalments by which, or otherwise concerning the Manner in which, the same ought to be allowed, paid, raised, levied, or apportioned, it shall be lawful for the said senior Judge of Assize who shall have presided as such at the Summer Assizes of the present Year to appoint, by Writing under his Hand, a Barrister, not having any Interest in the Question, to arbitrate between the Parties, and by his Award, under his Hand and Seal, to assess the Amount and Proportion, if any, of such Sum or Sums which ought to be allowed, paid, or contributed in respect of such Place or Precinct, and to determine the Manner in which the said Sum or Sums ought to be apportioned between such Borough and such Precinct or Place respectively; and such Award shall be conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom, and in what Proportion, and out of what Fund, the same shall be paid; and the Sum or Sums awarded by such Barrister to be paid in respect of such Place or Precinct shall be raised and levied there-off by the Warrant of the Treasurer of the County to which such Place or Precinct shall have been annexed, and, when levied, paid over by him to the Treasurer of the County of the City of such Borough.

If the Grand Jury fail to settle the Proportions, an Arbitrator may be appointed.

III. And be it enacted, That if any Contract has been entered into by the Grand Jury of any such County of a City or Town for making, widening, repairing, or keeping in repair the whole or any Part of any public Way or Ways of the former Liberties of such City or Town, the Grand Jury of the County of such City or Town shall from Time to Time present, to be raised off the County of such City or Town, and to be paid unto the Person or Persons who shall be entitled to receive the same respectively, such Portion of the Monies appointed by such Grand Jury to be paid to the Contractors in such Contracts named respectively as ought to be paid in that Behalf in respect of the Portion of the public Ways included within the Boundaries of the County of the City or Town as defined under the said recited Acts; and the Grand Jury of the adjoining County shall from Time to Time present, to be raised in like Manner as Grand Jury Cess off the Portion of the said Liberties not included within the Boundaries of the County of the City of the said Borough, such Portion of the Monies appointed to be paid to such Contractors as ought

Existing Contracts to be presented for, according as they are to be executed in the County of a City or the County at large.

ought to be paid in that Behalf in respect of the Portion of such public Ways not included within the Boundaries of such County of a City or Town as defined under the said recited Acts; and where no Part of the Streets, Ways, Passages, or Roads in respect of which such Contracts shall have been entered into shall be included within the Boundaries of the County of the City of the said Borough, then the whole of the Sums payable thereunder shall be presented by the Grand Jury of the adjoining County, to be raised in like Manner as Grand Jury Cess off the Portion of the said Liberties not being within the County of the City of the said Borough; and in case of any Breach in the Performance of any such Contracts, it shall and may be lawful to sue upon such Contract, or proceed upon any Recognizance conditioned for the Performance thereof, or to make void such Contract, as effectually as might or could have been done if the said Act for annexing certain Parts of certain Counties of Cities to adjoining Counties had not been passed.

Grand Juries of Counties of Cities and Towns may present as heretofore, but the Levy to be made on the Cities and Towns as defined under the recited Acts.

IV. And be it enacted, That at every Assizes to be holden for any such County of a City or Town in *Ireland* it shall and may be lawful to and for the Grand Jury of such County of a City or Town to present all and every such Sum and Sums as might be lawfully presented pursuant to any Act in force in *Ireland* relating to Grand Jury Presentments previous to the said Acts coming into operation within each such County of a City or Town respectively: Provided always, that all and every such Sum or Sums when so presented, and all Sums which might be or have been legally added thereto by the Treasurer of such County of a City or Town if the said recited Acts had not passed, and all Sums duly presented at the last Spring or Summer Assizes, and not heretofore levied, shall be assessed, applotted, levied, and raised off such County of a City or Town as the same is defined under the said recited Acts, without reference to previously existing Exemptions or Compositions for any particular Parish, District, or other Denomination.

Where Applotters have not been appointed pursuant to 6 & 7 W. 4. c. 116., any Ten Owners, &c. liable to Grand Jury Cess, or the Attorney General, may apply to the Queen's Bench, or any Judge thereof, for an Order of Appointment.

V. 'And whereas an Act was passed in the Session of Parliament holden in the Sixth and Seventh 'Years of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to 'the Presentment of Public Money by Grand Juries in* Ireland: And whereas by the said last-mentioned 'Act Provision is made for the choosing of Applotters by the Landholders and Inhabitants of the 'Manor, Parish, or other Denomination of Land contained in the Treasurer's Warrant, for applotting the 'Grand Jury Cess to be levied thereon; and by the said Act it is enacted, that the Persons so chosen 'shall, within Thirty Days from the Time they shall be so chosen, applot the Sum so to be levied on 'such Manor, Parish, or Denomination, fairly and justly, according to the relative annual Value of the 'several Subdivisions of the Lands and Tenements therein contained, stating as accurately as they can 'the Name of the Occupier of each Portion of such Lands, and shall make Oath before any Justice of 'the Peace for the County that they have made the said Applotment justly, according to the best of their 'Skill, without Favour, Affection, or Malice, the Jurat of which Oath shall be indorsed on the Applotment; and such Applotters shall deliver such Applotment, so verified upon Oath, to the Person 'empowered to collect such Grand Jury Cess, under the Penalty of forfeiting, for every Day they shall 'omit to deliver the same after the said Thirty Days, the Sum of Ten Shillings, to be recovered by Civil 'Bill by any Person who shall sue for the same; and the Collector, on receiving such full and sufficient 'Applotment, is by the said Act required and authorized to levy the said Money according thereto; and 'in case no full and sufficient Applotment shall be returned within Thirty-six Days after the Time fixed for 'the Appointment of the Applotters, it is by the said Act enacted, that then and in such Case it shall be 'lawful for such Collector to levy the full Sum required by the Treasurer's Warrant off such Manor, 'Parish, or Denomination, according to or in the like Proportions as the Sum levied under the last 'previous Applotment of such Manor, Parish, or Denomination, or according to the Rate or Applotment 'pursuant to which it was paid or levied: And whereas in some Places it has happened that Applotments have been made not in conformity with the said recited Enactments, and Difficulties have arisen 'in the Collection of Grand Jury Cess by reason thereof, and by reason of Doubts entertained as to what 'is the last legal Applotment according to which Grand Jury Cess ought to be collected, and by reason 'of Informalities in Proceedings for such Applotment; and it is expedient to provide for determining 'without Delay in what Manner Grand Jury Cess, and Arrears thereof, shall be collected, where any 'such Difficulties exist in any County of a City or County of a Town;' be it therefore enacted, That it shall be lawful for any Ten or more Persons holding, occupying, or owning Lands or Tenements liable to Grand Jury Cess in any County of a City or County of a Town, or for the Attorney General of *Ireland*, if he should so think fit, to make Application to the Court of Queen's Bench in *Ireland*, or to any Judge thereof, whether in or out of Term, informing the Court or Judge, by Affidavits, that no Applotters have been appointed in obedience to any Warrant or Notice issued by any Treasurer or Collector of Grand Jury Cess, or that no Applotment of such Cess has been made by Applotters appointed for that Purpose, or that Difficulties exist in, or that Doubts exist respecting, the Collection or Proportions of Grand Jury Cess, or respecting the Liability thereto of any Occupiers of Land or Tenements in any such County of a City or County of a Town, or in any Manor, Parish, or Denomination of Land therein, by reason of Defect in any Applotment of Grand Jury Cess, or by reason of Doubts respecting the Validity or Fairness and Justice of any such Applotment, or by reason of some Informality or Defect in some Proceeding in relation to any such Applotment; and thereupon it shall be lawful for such Court or Judge to make an Order that such Applotment, where any exists, and any other Applotment, and any Presentments, Treasurer's Warrants, Notices, or other Documents, shall be brought before such Court or Judge for Inspection, at a Time to be named in such Order, and to direct such Order to such Person, and to direct the same to be served or published in such Manner, as such Court or Judge shall deem fit,

Court or Judge may quash, confirm, or alter Applotments, or direct a new Applotment.

fit, and, upon Inspection of any such Applotment, Warrant, Presentment, or other Document, or upon such other Evidence as shall appear satisfactory to such Court or Judge, to make such Order as to such Court or Judge shall seem meet for making any such Applotment, where none has been already made, or for quashing, confirming, or altering any Applotment, or any Part thereof, and for directing a new Applotment to be made of the Whole or any Portion thereof, by any Two Persons to be named in such Order or any other Order of such Court or Judge, or by Two Applotters for that Purpose to be chosen at such Time and in such Manner as to such Court or Judge shall seem fit, and such Court or Judge shall make such Order as he or they shall deem fit touching the Proceedings of any such Applotters, and the making of such Applotment, and the Manor, Parish, or Denomination of Land, or Manors, Parishes, or Denominations, whereon each such Applotment is to be made, and all such other Orders as such Court or Judge shall think necessary or effectual for the Levy and Payment of the Sum or Sums specified in any such Warrant on and out of the respective Subdivisions of Land which would have been charged or chargeable therewith if a valid Applotment had been made.

Jurisdiction as to Costs.

VI. And be it enacted, That it shall be lawful for such Court or Judge, if they or he shall so deem fit, to order that the Costs of any such Application, or any Portion thereof, shall be taxed, and that the Amount of such Costs, when taxed, shall be added to the Sum to be applotted under the Order in that Behalf of such Court or Judge, or shall be paid by the Treasurer of the County of a City or County of a Town in respect of which, or of any Part of which, such Application shall have been made, to such Person and at such Time as shall be specified in such Order; and in case such Costs shall be so directed to be paid by such Treasurer, he shall pay the same as directed by such Order, and the Amount thereof shall be added to the Sum to be inserted in the next Treasurer's Warrant to be levied off such County of a City, County of a Town, Manor, Parish, or Denomination, or such Part thereof as such Court or Judge shall order; and it shall also be lawful for such Court or Judge, in case they or he shall deem any such Application, or the Resistance thereto, to be made without just and reasonable Cause, or to be in any Part thereof vexatiously conducted, to order any Costs of making or resisting such Application, or any Portion of such Costs, to be paid by or to any Owners, Occupiers, or Holders of Land who shall be Parties making or resisting such Application.

Ten Days Notice to be given of Application.

VII. Provided always, and be it enacted, That public Notice, stating the Objects and Grounds of every such Application, Ten Days before the making of the same, shall be posted at or near the Court House in which the Assizes for the County of a City or County of a Town in respect of which, or any Part of which, such Application shall be made, are usually holden, and shall be once published in some Newspaper circulating in such County of a City or County of a Town; and it shall be lawful for any Person owning, holding, or occupying any Land or Tenement liable to Grand Jury Cess in such County of a City or County of a Town to appear by himself, his Counsel or Agents, before such Court or Judge, and resist such Application.

Applotters shall applot within Thirty Days of their Appointment, or within such shorter Period as the Court or Judge shall order, according to the relative Value of the Subdivisions of Land, and shall verify on Oath the Justness of the Applotment.

VIII. And be it enacted, That the Applotters appointed or chosen under or by virtue of this Act shall, within Thirty Days from the Time when they shall be so appointed or chosen, or within such shorter Time as shall be specified in any Order of such Court or Judge, applot the Sum or Sums which in any and every Treasurer's Warrant specified in any such Order shall have been inserted as the Portion of Grand Jury Cess which the Manor, Parish, or Denomination was to pay; and such Applotters shall so separately applot the same, fairly and justly, according to the relative annual Value of the several Subdivisions of the Lands and Tenements contained in such Manor, Parish, or Denomination, stating, as accurately as they can, the Name of the Person who occupied each Portion of such Lands at the Time when such Warrant was issued, and of the Person who shall occupy the same at the Time of making such Applotment, and shall make Oath before some Justice of the Peace in and for the said County of a City and County of a Town, that they have made the said Applotment justly, according to the best of their Skill, without Favour, Affection, or Malice, and that the Contents thereof are, as they believe, true, the Jurat of which Oath shall be indorsed on such Applotment; and such Applotters shall return such Applotment, so verified upon Oath, to such Court or Judge, or to the Clerk of the Rules of such Court, within Thirty Days after they shall be so chosen or appointed, or within such shorter Time as shall be specified in such Order; and such Court or Judge shall have such Power to confirm, alter, or quash such Applotment, and to order a new Applotment, as is herein-before given in the Case of any defective Applotment.

Applotment to be given to Collector, and Arrears to be levied according to the Proportions in the Applotment, Credit being given for Payments already made.

IX. And be it enacted, That in case the Court or Judge shall confirm or amend any Applotment to be made under or in pursuance of any Order made by virtue of this Act, it shall be lawful for such Court or Judge to direct the same to be delivered to the Person empowered to collect Grand Jury Cess, or Arrears thereof, for or in such County of a City or County of a Town, Manor, Parish, or Denomination, or to such other Person as such Court or Judge shall order, and the same shall be so delivered accordingly; and such Person shall collect all Arrears of Grand Jury Cess remaining unpaid in respect of the County of a City, County of a Town, Manor, Parish, or Denomination of Land for which such Applotment shall have been made, according to the Proportions specified in such Applotment, giving Credit for any Sums paid on account of Grand Jury Cess in respect of any Subdivision of such Lands, and shall pay the Amount so collected to the Treasurer of such County of a City or County of a Town; and such Grand Jury Cess, and all Arrears thereof, shall be collected and levied accordingly by all the Ways and Means provided by the said recited Act of the Sixth and Seventh Years of His late Majesty's Reign; and all the Provisions thereof with reference to such Collection, Levy, or Enforcement shall apply to such Cess or Arrears thereof (Credit being given for such Payments as aforesaid),

aforesaid), and to such Applotment, as if the same were hereby specially enacted, or as if such Applotment had been in due Time duly made under the said last-mentioned Act.

Applotters may enter Lands for the Purpose of valuing. Penalty for Hindrance, 5*l.*

X. And be it enacted, That, for the Purpose of making such Applotment, the Applotters chosen or appointed as aforesaid shall have full Power to enter into and upon, and to inspect and value, all such Lands and Tenements as they or any of them shall deem it necessary or expedient to inspect, for, in, or about the making of any such Applotment; and in case any Person shall hinder or attempt to hinder any such Applotter from entering into or upon or remaining upon any such Lands or Tenements for any such Purpose, such Person, if convicted thereof before any Justice of the Peace in and for the County of a City or County of a Town wherein the Offence shall have been committed, shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered before any Justice of the Peace for such County of a City or County of a Town, and to be levied by all the Ways and Means given by the said last-mentioned Act for the Levy or Recovery of any Fine or Forfeiture thereby imposed.

Present Applotments to continue in force until a further Applotment be made.

XI. And be it enacted, That any Applotment confirmed, altered, or made in pursuance of any such Order shall be deemed to be, to all Intents and Purposes, an Applotment duly made in pursuance of the said first-recited Act; and Grand Jury Cess, and all Arrears thereof (Credit being given as aforesaid) shall be and shall continue to be levied thereunder, until a new Applotment shall be made in pursuance of the said last-mentioned Act, or any Act or Acts amending the same, or of this Act.

Court or Judge empowered to order Payment to Applotters not exceeding Ten Shillings per Diem;

XII. And be it enacted, That it shall be lawful for such Court or Judge, if they or he shall think fit, to order Payment to every such Person as shall act as Applotter under or by virtue of this Act, of such reasonable Sum for his Expences and Loss of Time as to such Court or Judge shall seem fit, not exceeding in the whole Ten Shillings for every Day during which such Person shall be engaged in actual Duty; and the Amount which shall be so ordered shall be paid to such Person or his Representatives by the Treasurer of the County of the City or County of the Town in which such Person shall so act, and shall be allowed in such Treasurer's Account accordingly, and shall be added in the next Treasurer's Warrant to the Sum to be levied off the Manor, Parish, or Denomination for which such Person shall have so acted as Applotter.

and to enforce Orders, and to call and examine Witnesses, &c.

XIII. And be it enacted, That in case any Person shall disobey any Order of such Court or Judge, made by them or him when acting under or in furtherance of the Provisions of this Act, it shall be lawful for such Court or Judge to order or issue an Attachment against such Person, or to fine such Person such reasonable Sum as such Court or Judge shall deem fit; and such Court or Judge, in carrying into effect the Provisions of this Act, shall have Power to call before them or him, and examine *vivâ voce*, such Person or Persons as such Court or Judge shall deem it necessary or proper to examine; and it shall be lawful for such Court to adjudicate or act in the Matter of any such Application, or in respect of any Proceeding consequent upon or relating to the same, although such Application may have been made to a single Judge, and for any Judge of such Court so to adjudicate or act, although such Application may have been made to another Judge of the said Court.

The Grand Jury of Drogheda may present for the Payment of certain Sums advanced by the Treasury for that Town.

XIV. 'And whereas divers Sums of Money have been from Time to Time advanced from Her Majesty's 'Exchequer for the Payment of Contractors and other Persons having Demands against the County of 'the Town of *Drogheda*, and for other public Purposes in the said County of the Town of *Drogheda*;' be it therefore enacted, That it shall and may be lawful for the Grand Jury of the said County of the Town of *Drogheda*, at the next Assizes after the passing of this Act, and they are hereby required, to present, to be levied off the said County of the Town of *Drogheda*, such Sum, and by such and so many half-yearly Instalments, as the Commissioners of Her Majesty's Treasury, or any Three of them, shall direct; and the Treasurer of the said County of the Town of *Drogheda* shall and he is hereby required to insert any Sum so directed to be levied in his Warrant for raising or levying the Sums presented at the said next Assizes, and in like Manner, without further Presentment or Authority in that Behalf, to insert a like Sum in his Warrant for raising or levying the Sums presented at each succeeding Assizes, until the whole Sums so advanced as aforesaid shall be so raised and levied off the said County of the Town of *Drogheda*, and the same shall be raised and levied accordingly; and the said Treasurer shall pay over the said several Instalments, when and as each of them shall be raised and levied, to such Bank or Person and in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Grand Juries may present Instalments due to Contractors and others, with Interest thereon.

XV. 'And whereas, by reason of the Difficulties existing in the Collection of Grand Jury Cess, divers 'Arrears have accumulated in different Counties of Cities and Counties of Towns in *Ireland*: And 'whereas the Grand Juries of such Counties of Cities and Counties of Towns have not the Power to levy 'by Instalments the Sums still remaining due to Contractors and other Persons, and it is advisable that 'they should have Power to provide for the Levy thereof by Instalments, with Interest thereon;' be it therefore enacted, That it shall and may be lawful for the Grand Juries of Counties of Cities and Counties of Towns, and they are hereby required, to present such Sums as may be necessary for the Payment of such Contractors or other Persons, to be levied off the said Counties of Cities or Counties of Towns by Twelve equal half-yearly Instalments, which Sums the Treasurer of such Counties of Cities or Counties of Towns is hereby required and empowered to advance out of the Money lodged to his Credit in the Bank selected by such Counties of Cities or Counties of Towns (for which Advance the Chief Remembrancer of the Court of Exchequer in *Ireland* is hereby authorized to allow him Credit, in the same Manner as for other Payments duly made by him); and it shall be lawful for the said Grand Juries of Counties of Cities and Counties of Towns, and they are hereby required, to present to the said Treasurer Interest on the Amount from Time to Time to him unpaid, at the Rate of Four Pounds *per Centum per Annum*, such Interest

Interest to be computed from the Time or Times when such Sums of Money shall be paid by the Treasurer of such Counties of Cities or Counties of Towns until the same shall be discharged.

Instalments leviable under Warrants shall be levied by Presentment.

XVI. And be it enacted, That if any Warrant shall have been heretofore issued for raising and levying any Sum or Sums of Money, the Levy whereof by Instalments as aforesaid shall be provided for by Presentment under this Act, it shall not be lawful to make any further Levy under such Warrant; and any Person who shall have paid any Sum of Money under any Levy by virtue of such Warrant shall have Credit for the same in any Levy of Grand Jury Cess to which he may be liable.

Arrears of Cess through legal Doubts shall not affect Proceedings under 2 & 3 W. 4. c. 88. or 3 & 4 Vict. c. 108.

XVII. And be it enacted, That no Arrears of Grand Jury Cess now due and unpaid, and which have accrued by reason of legal Doubts or Difficulties in the Applotment, Collection, or Levy of the same, and not otherwise, shall be deemed or taken to be such Grand Jury Cesses as ought or may be required to be paid or to have been paid in order to confer any Right or Franchise under or within the Meaning of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, or of an Act passed in the Third and Fourth Years of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland.

Justice not to take Money for Affidavits required under this Act.

False swearing punishable as Perjury.

XVIII. And be it enacted, That it shall not be lawful for any Justice of the Peace, or any other Person, to demand or take any Fee or Reward for swearing any Affidavit to be made by virtue of this Act; and if any Person shall wilfully swear falsely in any Oath taken by Authority or under any of the Provisions of this Act, every such Person, being thereof convicted, shall be adjudged guilty of wilful and corrupt Perjury, and incur the Pains and Penalties in such Case by Law provided; and it shall and may be lawful for any Grand Jury, without any previous Application to Presentment Sessions, to make such Presentments for defraying the Expences of the Prosecution of such Delinquents as to them may seem fitting and expedient.

Rate-payers and Occupiers, &c. to be competent Witnesses.

XIX. And be it enacted, That in any Action, Motion, Civil Bill, Indictment, or other Proceeding before any Court or Person under this Act, or under the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, for the Levy or Recovery of any Grand Jury Cess, or for the applotting the same, or questioning, confirming, or amending any Applotment, or for determining the Liability of any Manor, Parish, District, or Denomination, or of any Description of Tenements, to such Cess, or for any other Purpose relating to Grand Jury Cess, no Person rated or liable to be rated to Grand Jury Cess in any County, County of a City, or County of a Town, or Owner or Occupier of any Lands or Tenements therein, and not being himself the Party actually sued or suing in such Proceeding, shall be deemed or taken to be, by reason of his being so rated or liable to be rated, or such Owner or Occupier as aforesaid, an incompetent Witness for either Party; any Law, Usage, or Statute to the contrary in anywise notwithstanding.

Not to affect 6 & 7 W. 4. c. 84.

XX. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or taken to affect or alter all or any of the Provisions contained in another Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland, *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate.*

Interpretation of Act.

XXI. And be it enacted, That in the Construction of this Act the Words "Lord Lieutenant" shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being, and every Word importing the Singular Number shall extend to and be applied to several Persons or Things as well as to one Person or Thing, and every Word importing the Masculine Gender shall extend and be applied to a Female as well as to a Male, unless the contrary thereof shall be expressed, or that any Construction as aforesaid shall be inconsistent with or repugnant to the Context.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXVIII.

An Act for effecting an Exchange between Her Majesty and the Provost and College of *Eton*.

[5th *August* 1842.]

Her Majesty seised in Fee of the Premises in the Second Schedule.

Eton College seised in Fee of the Premises in the First Schedule.

'WHEREAS the Queen's most Excellent Majesty, in right of the Crown, is seised to Herself, Her Heirs and Successors, of the Messuages, Tenements, Lands, and Hereditaments particularly mentioned and described in the Second Schedule to this Act annexed, situate in the Parish of *Eton*, in the County of *Bucks*, subject to the Leases or Agreements for Leases in the said Second Schedule mentioned or referred to, and is also in like Manner seised of a Piece or Parcel of Land situate in the Parish of *Saint Pancras* in the County of *Middlesex*, containing One Rood and Thirty Perches, or thereabouts, particularly mentioned in the said Second Schedule to this Act: And whereas the Provost of the College Royal of the Blessed *Mary* of *Eton* near unto *Windsor* in the County of *Bucks*, commonly called the King's College of our Blessed Lady of *Eton* nigh or by *Windsor* in the said County of *Bucks*, and the same College, are seised to them and their Successors in Fee Simple of the Lands, Tenements, and Hereditaments mentioned and described in the First Schedule to this Act annexed, situate in the Parishes of *Saint Marylebone*, *Saint Pancras*, and *Hampstead* respectively, or some or one of them, in the said County of *Middlesex*, subject to the Lease in the said First Schednle mentioned:

Maps or Plans of the Lands have been made and signed.

'And whereas Maps or Plans of the Lands, Tenements, and Hereditaments respectively mentioned and 'described in the said First and Second Schedules to this Act have been prepared and signed by the 'Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of 'Her Majesty, and by the Provost of the said College on behalf of himself and the said College, and 'such Maps or Plans, after the same shall have been authenticated by the Signature of the Right 'Honourable the Speaker of the House of Commons, are intended to be deposited in the Office of Land

Agreement for Exchange.

'Revenue Records and Enrolments, there to be and remain of record for ever: And whereas it has been 'mutually agreed by the said Commissioners on behalf of Her Majesty, and by the Provost of the 'said College on behalf of the said Provost and College, to exchange the Lands, Tenements, and 'Hereditaments described in the First Schedule to this Act, belonging to the said Provost and College, 'for the Messuages, Lands, and Hereditaments described in the Second Schedule to this Act, belonging 'to Her Majesty in right of the Crown: And whereas it will be for the mutual Benefit of Her Majesty 'and the said Provost and College, and their Successors, that such Exchange should be perfected and 'carried into effect;' but inasmuch as the same cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Plans to be deposited in the Land Revenue Record Office.

Commons, in this present Parliament assembled, and by the Authority of the same, That within Three Calendar Months after the passing of this Act the said Maps and Plans, signed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and by the Provost of the said College, and authenticated by the Signature of the Speaker of the House of Commons, shall be deposited in the Office of Land Revenue Records and Enrolments, there to be and remain of record for ever.

The Lands in the First Schedule to vest in the Crown.

II. And be it enacted, That from and immediately after the passing of this Act the Lands, Tenements, and Hereditaments mentioned and comprised in the First Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, subject to the Lease in the said First Schedule to this Act annexed mentioned or referred to, shall be and the same are by this Act vested in the Queen's most Excellent Majesty, Her Heirs and Successors for ever, as Part and Parcel of the Hereditary Revenues of the Crown within the Order and Survey of the Court of Exchequer, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the said Lease mentioned in the said First Schedule, and with the same Power of Recovery of the Rent and compelling the Performance of the Covenants in the said Lease reserved and contained, and on the Part of the Tenants to be paid and performed, as were possessed by the said Provost and College immediately before the passing of this Act, but freed and discharged and absolutely exonerated from all other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands, heretofore created, limited, or declared of or affecting the same.

Lands in the Second Schedule to vest in Eton College.

III. And be it enacted, That from and after the passing of this Act the said Messuages, Lands, Tenements, and Hereditaments mentioned and comprised in the Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, shall (subject to the Leases or Agreements for Leases in the Second Schedule to this Act mentioned or referred to) be and the same are by this Act settled upon and vested in "The Provost of the said College Royal of the Blessed *Mary* of *Eton* near unto *Windsor* in the said County of *Bucks*, commonly called the King's College of our Blessed Lady of *Eton* nigh or by *Windsor* in the said County of *Bucks*, and the same College," freed and discharged and absolutely acquitted and exonerated of and from all former and other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands, heretofore created, limited, or declared of or affecting the same; except the Leases or Agreements for Leases mentioned in the said Second Schedule, subject nevertheless to the like Uses or Trusts which immediately before the passing of this Act were subsisting of and concerning the said Hereditaments comprised in the said First Schedule.

Empowering the Provost and College to purchase up the Leases to which the Lands received by them in Exchange are now subject.

IV. 'And whereas certain Sums of Money belonging to the said Provost and College of *Eton* were 'invested in the Purchase of Three *per Centum* Consolidated and Three *per Centum* Reduced Bank 'Annuities, which are now standing in the Name and to the Credit of the Accountant General of the 'High Court of Chancery, "*ex parte* the Provost and College of *Eton*:" And whereas it may be 'expedient, for the Purpose of making immediate Improvements in the Vicinity of *Eton College*, that the 'Provost and College of *Eton* should be enabled to obtain the actual Possession of all or some of the 'Hereditaments comprised in the said Second Schedule to this Act, discharged from the Leases and 'Agreements for Leases mentioned in the same Schedule;' be it therefore enacted, That it shall be lawful for the Provost and College of *Eton*, or their Successors, immediately after the passing of this Act, subject to the Approbation of the High Court of Chancery, to treat and agree with the Lessees, Tenants, or Under-tenants of the Messuages, Lands, Tenements, and Hereditaments comprised in the Second Schedule to this Act, for the Purchase of all or any of their respective Terms, Estates, or Interests under subsisting Leases or Agreements for Leases of and in such of the said Messuages, Lands, Tenements, and Hereditaments as the said Provost and College may judge necessary or proper to be purchased for or in respect of such Improvements; and that it shall be lawful for the said Court, upon a Petition to be preferred in a summary Way by or on behalf of the said Provost and College, to direct the Sale of such Part or Parts as the said Court shall think proper of the Stocks, Funds, Bills, or Securities which are now or hereafter shall

shall be standing in the Name of the said Accountant General, *ex parte* the Provost and College of *Eton*, and to direct that such Part as the Court shall think proper of the Monies arising therefrom, and of any other Monies which are now or shall hereafter be standing to the Credit of the Accountant General of the said Court, "*ex parte* the Provost and College of *Eton*," shall be applied for or towards completing the Purchase or Purchases of any of such Messuages, Lands, Tenements, or Hereditaments, or of such Estates, Terms, or Interests therein, as aforesaid; and that the said Provost and College shall also, subject to the Approbation of the said Court, have full Power to apply, for all or any of the last-mentioned Purposes, any other Stocks, Funds, Securities, or Monies which are or shall be under their Control or Power; and that the Messuages, Lands, Tenements, or Hereditaments, or the Terms, Estates, or Interests therein, which shall be so purchased or agreed for as aforesaid, shall be conveyed, assigned, surrendered, or assured to the said Provost and College for the Time being, and their Successors, or as they shall direct, in order that such Terms, Estates, and Interests may either be extinguished or kept on foot for the Purpose of protecting the Inheritance of the Premises so purchased against intermediate Incumbrances.

Court of Chancery may direct Costs to be taxed and paid.

V. And be it enacted, That it shall be lawful for the said Court of Chancery from Time to Time to make such Orders as the said Court shall think fit for taxing, paying, and settling all Costs, Charges, and Expences which have been incurred or shall be incurred by the said Provost and College of *Eton* in, about, or relating to the said Exchange, and the Reference to Arbitrators thereupon, and the passing of this Act, and incidental thereto respectively, and in making the several Applications to the said Court respecting the Matters aforesaid, and the Costs of taking the said Money out of the said Bank, and investing the same in the Purchase of such Messuages, Lands, and Hereditaments, Terms or Interests as aforesaid, and of conveying, assigning, surrendering, or assuring the same respectively, according to the Directions herein-before contained.

Power of Re-entry to the Crown in case of Eviction.

VI. And be it enacted, That if Her Majesty, Her Heirs or Successors, shall at any Time hereafter be evicted from the Possession of the Whole or any Part of the said Hereditaments described in the said First Schedule to this Act, by any Right or Title subsisting before the passing of this Act, then and from thenceforth it shall be lawful for Her Majesty, Her Heirs or Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, Her Heirs or Successors, immediately after such Eviction from the Possession of the same Premises, to enter into and upon the said Hereditaments described in the Second Schedule to this Act, and to have, hold, and enjoy the said Premises for such Estate, and in as full, ample, and beneficial a Manner, as Her Majesty held the said Hereditaments described in the said Second Schedule prior to the passing of this Act, any thing herein contained to the contrary thereof in anywise notwithstanding.

Power of Re-entry to the College in case of Eviction.

VII. And be it enacted, That if the said Provost and College, or their Successors, shall at any Time hereafter be evicted from the Possession of the Whole or any Part of the Hereditaments described in the said Second Schedule to this Act, by any Right or Title subsisting before the passing of this Act, then and from thenceforth it shall be lawful for the said Provost and College, and their Successors, immediately after such Eviction from the Possession of the same Premises, to enter into and upon the Hereditaments described in the said First Schedule to this Act, and to have, hold, and enjoy the said Premises in as full, ample, and beneficial a Manner as the said Provost and College held the said Hereditaments described in the said First Schedule prior to the passing of this Act, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Costs of obtaining the Act to be paid by the Crown.

VIII. And be it enacted, That all the Costs and Expences of applying for and obtaining this Act shall be borne and paid by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty.

General Saving of Rights.

IX. Saving always to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators, and Assigns, other than and except Her Majesty, Her Heirs and Successors, and the said Provost and College of *Eton*, and their Successors, all such Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, of, in, to, or out of the said Hereditaments and Premises comprised in or in any Manner affected by this Act as aforesaid, as they or any of them respectively had before the passing, or respectively could or might have had, held, enjoyed, and been entitled to in case this Act had not been passed.

Provisions of the Act 5 Vict. Sess. 2. c. 20. extended to the Lands mentioned in the First Schedule to this Act.

X. 'And whereas it is expedient, for the Purpose of making immediate Improvements, that the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, should be enabled to obtain the actual Possession of the Lands and Hereditaments mentioned and described in the First Schedule to this Act, freed and discharged from the Lease granted to *John Spice Hulbert*, mentioned in the said Schedule: And whereas an Act was passed in this present Session of Parliament, intituled *An Act to extend an Act passed in the Fourth and Fifth Years of Her present Majesty, for enabling Her Majesty's Commissioners of Woods to purchase certain Lands for* Victoria Park;' be it enacted, That the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall or may, for the Purpose of obtaining the actual Possession of the said Lands and Hereditaments mentioned in the First Schedule to this Act, have, use, and exercise all and every the Powers and Authorities in the said last-mentioned Act contained, and in all respects as if the same Hereditaments were to be obtained for the Purpose of the said last-mentioned Act, and that all the Clauses and Provisions in the said recited Act contained, empowering the said Commissioners, on behalf of Her Majesty, to take and use any Lands or Hereditaments, and to treat for the Purchase thereof, and for enabling or requiring Bodies Politic, Trustees, and other

Persons

Persons to sell and convey, and to accept Satisfaction for the Value of the Lands and Hereditaments so taken, for requiring Parties to deliver Statements of their Claims to the said Commissioners, and for ascertaining and fixing, by the Verdict of a Jury or otherwise, the Amount of Compensation to be paid to such Bodies Politic, Trustees, or other Persons, and for regulating the Payment of the Purchase Money, and the Apportionment of Rents for enabling and requiring Mortgagees to release and convey, and providing for Cases where the Mortgage Money is more than the Value of the Lands comprised in the Security, or where a Part only of the Lands comprised in any Security is taken, and all other Powers and Authorities, Clauses and Provisions, whether compulsory or otherwise, given or granted to the said Commissioners, or mentioned in or prescribed by the said recited Act, shall extend and be applicable to all such Part of the Lands or Hereditaments comprised in and demised by the said Lease so granted to the said *John Spice Hulbert* as are mentioned and described in the First Schedule to this Act, in such and the same or the like Manner as if all the said Powers and Authorities, Clauses, Provisions, and Regulations, were herein repeated and expressly re-enacted, and adapted to such last-mentioned Lands and Hereditaments, and to the Owner or Owners, Mortgagee or Mortgagees, Lessee or Lessees, Tenant or Tenants, Occupier or Occupiers thereof respectively, save and except in so far only as such Clauses, Provisions, and Regulations may be repugnant to the Objects effected or intended to be effected by this Act; and, except when any Estates or Interests in the said Hereditaments shall be so acquired, the same shall be vested in the Queen's most Excellent Majesty, Her Heirs and Successors, in all respects as is herein-before enacted with respect to the said Hereditaments comprised in the said First Schedule to this Act.

Power to alter and stop up Roads, and make other Roads.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to stop up, alter, divert, or widen all or any of the Roads, Ways, Paths, or Passages now running into, upon, through, or over all or any Part or Parts of the Lands mentioned and described in the First Schedule to this Act, and to set out, form, and make, in lieu thereof or in addition thereto, such other Roads, Ways, Paths, or Passages as to the said Commissioners may seem fit and necessary.

Public Act.

XII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULES to which the foregoing Act refers.

The FIRST SCHEDULE referred to by this Act.

All those several Pieces or Parcels of Land, containing by Admeasurement Fifty-four Acres and One Rood, or thereabouts, be the same little more or less, comprising Primrose Hill and Lands adjoining thereto, the whole situate, lying, and being in the Parishes of Saint John Hampstead, Saint Marylebone, and Saint Pancras, or some or one of them, in the County of Middlesex; (that is to say,)

	A.	R.	P.
Firstly.—All that triangular Piece of Land abutting on the South on the Portland Town or Albert Road, on the East on Land formerly the Property of Lord Southampton, and now the Property of Her Majesty, on the North-west on the Piece of Land secondly herein-after described, and which said Piece of Land is situate in the Parishes of Saint Pancras and Saint Marylebone, or one of them, and is now in the immediate Possession and Occupation of the said Provost and College of Eton, and contains by Admeasurement	1	0	3
Secondly.—All that other Piece or Parcel of Land called or known by the Name of Rugmore Close, abutting on the firstly described Piece of Land on the South-east, on the said Portland or Albert Road on the South, on Property of the Duke of Portland on the West, on Land formerly belonging to the said Lord Southampton, and now the Property of Her Majesty, on the East, and on the Piece of Land thirdly herein-after described on the North or North-west, which said Piece or Parcel of Land is situate in the Parishes of Saint Pancras and Saint Marylebone aforesaid, or one of them, and contains by Admeasurement	18	2	10
Thirdly.—All that other Piece or Parcel of Land comprising Blue-house Field and Parts of certain Fields called or known by the Names of Primrose Hill, Sheppard's Hill, Square Field, the Thirteen Acres, and the Ten Acres, abutting on the North and on the North-east on other Land now belonging to the said Provost and College, on or towards the East on Lands belonging to Her Majesty, formerly the Property of the said Lord Southampton, on or towards the South-east on the Piece or Parcel of Land secondly herein-before described, and on or towards the South on Lands now or late the Property of the said Duke of Portland, and on or towards the South-west on Lands now or late the Property of Colonel Eyre, and which said Piece or Parcel of Land is situate in the Parish of Saint John Hampstead, and contains in the whole by Admeasurement	34	2	27
TOTAL	54	1	0

The Lands secondly and thirdly above described are, together with other Lands adjoining thereto, subject to a Lease granted by the said Provost and College of Eton, bearing Date the Ninth Day of May

May One thousand eight hundred and forty, to John Spice Hulbert, Esquire, for a Term of Nineteen Years from the Sixth Day of April One thousand eight hundred and forty, at and under certain Rents and Reservations, and subject to certain Covenants and Agreements in the said Lease mentioned.

Value in Fee Simple of the Lands and Hereditaments mentioned and described in this Schedule (subject to the Lease granted to John Spice Hulbert, Esquire, as above-mentioned, the Rents reserved by which Lease have been or are intended to be apportioned,) is Fifteen thousand one hundred and twelve Pounds Five Shillings.

Edward Driver.
John Shaw.

The SECOND SCHEDULE referred to by this Act.

Description of Premises.	Occupiers.	Reserved Annual Rent under the Crown Leases.
		£ s. d.
A Dwelling House, situate in High Street, Eton, with Outbuildings and Gardens adjoining.	Susan Jane Hatton -	20 0 0
Another Dwelling House, situate adjoining the above, with Outbuildings, Yard, and Garden adjoining.	William Hexter -	45 0 0
Another Dwelling House, situate adjoining the above, with Outbuildings, Yard, and Garden adjoining.	Edward Weight -	32 0 0
Another Dwelling House, with Outbuildings, Yard, and Garden adjoining the above.	Samuel Webber -	50 0 0
Another Dwelling House, with Garden, also adjoining the above.	Late T. C. Tarver (now empty).	
Another Dwelling House, with Outbuildings and Yard, also adjoining the above.	Late Merrick (now empty).	45 0 0
Another Dwelling House, with Yard and Outbuildings, situate in High Street and also in Keat's Lane, being the corner House.	Late Richard Fowler (now empty).	
Another Dwelling House, and Outbuildings, Yard, and Garden, situate in Keat's Lane, Eton.	The Reverend F. E. Durnford.	59 10 0
All the before-described Premises are held by Thomas Slatter, Esquire, under separate Leases, granted from the Crown, for Terms of Thirty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the several annual reserved Rents above stated.		
Another Capital Dwelling House, adjoining the last before described, and also situate in Keat's Lane, with Outbuildings, Yard, and Garden.	The Reverend E. H. Pickering.	
These Premises are held by Thomas Slatter, Esquire, under a Lease, granted from the Crown, for the Term of Fifty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the annual reserved Rent of - - - - - -	- - -	18 0 0
Another Dwelling House, Offices, Outbuildings, Yards, and Garden, also situate in Keat's Lane.	Mrs. Nesfield and William Evans, Esq.	
These Premises are held by Thomas Slatter, Esquire, under a Lease, granted from the Crown, for a Term of Thirty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the annual reserved Rent of - - - - - -	- - -	35 0 0
A very Capital Dwelling House, with Offices, Outbuildings, Stables, Yards, and Garden, and another Dwelling House built on the said Garden, all being situate in Keat's Lane.	The Reverend Edward Coleridge.	25 0 0 Annual reserved Rent till 5 July 1846.
These Premises are held by the Representatives of the late Provost, Doctor Goodall, under a Lease, granted from the Crown, for Three hundred and sixty-two Days and Forty-five Years, computed from the Eighth Day of July One thousand eight hundred and thirty-five, at the clear yearly Value of Twenty-five Pounds for the first Three hundred and sixty-two Days and Ten Years, and at the clear yearly Rent of One hundred and fifty Pounds during the Remainder of the said Term.		150 0 0 For the Remainder of the Term.

Description of Property.	Occupiers.	Reserved Annual Rent under the Crown Leases.
The Messuage, called the Christopher Inn, situate in the High Street at Eton, together with the Yards, Stabling, Malthouse, Workshops, and Outbuildings thereto belonging, a Dwelling House and Garden in the back Yard, Timber Yard, and Carpenters Sheds, Two other Kitchen Gardens, and a Parcel of Meadow Land adjoining, containing in the whole Two Acres and Twenty-five Perches - - - -	Thomas Clarke, Walter Beavor Cooper, William Evans Skelton, and the Provost of Eton College.	
Also the Piece of Land called Little Town's Piece, containing Two Roods and Six Perches, together with Nine Houses erected thereon, with Yards and Gardens, and containing in the whole Two Roods and Six Perches.	Sundry Occupiers.	
These last-mentioned Premises (together with several small Pieces of Land lying dispersedly in the Common Fields of Eton, and containing Twenty-nine Acres and Eighteen Perches, and now in the Occupation of Charles Turner, as yearly Tenant, at the Rent of Forty-three Pounds per Annum, which said Twenty-nine Acres and Eighteen Perches are not included in this Exchange, but are to be surrendered to the Crown at Michaelmas next, subject to such yearly Tenancy,) are held by the Provost and Fellows of Eton College under a Lease, granted by the Crown, for a Term of Fifty-two Days and Forty Years, computed from the Nineteenth of August One thousand eight hundred and eight, in consideration of a Fine of Eight hundred and ninety-three Pounds then paid by the Lessees to the Crown, and at a clear yearly reserved Rent of One hundred and four Pounds Four Shillings payable during the Term, and which Lease is to be surrendered to the Crown at Michaelmas next ensuing, subject as aforesaid.		
Also a Piece or Parcel of Land, situate near Primrose Hill in the Parish of Saint Pancras in the County of Middlesex, containing One Rood and Thirty Perches.	Her Majesty.	

We, whose Names are undersigned, having been directed by Her Majesty's Commissioners of Woods, Forests, and Land Revenues, on the one Part, and the Provost and Fellows of the College of Eton on the other Part, to survey and determine upon the Value of certain Freehold Property belonging to Her Majesty, situate in the Parish of Eton in the County of Buckingham, and in the Parish of Saint Pancras in the County of Middlesex, more particularly described in the above Schedule, have made a Survey and Examination of the same, and, subject to the existing Leases of the said Property, do find the Value thereof (exclusive of certain outlying Lands, containing Twenty-nine Acres and Eighteen Perches, lying dispersedly over the Parish of Eton, and in the Occupation of Charles Turner, as Sub-tenant to the Provost and Fellows of the said College, but which are included and contained in the Lease of the Christopher Inn and other Premises granted by the Crown to the said Provost and Fellows) to be Fifteen thousand one hundred and twelve Pounds Five Shillings (*£15,112. 5.*); which Valuation is made upon the Assumption of the Crown continuing in possession of and receiving all Rents from the said Provost and Fellows and the other Crown Lessees until the Eleventh of October One thousand eight hundred and forty-two.

(*£15,112. 5.*)

Edw. Driver.
John Shaw.
Jas. W. Higgins.

CAP. LXXIX.

An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in *Great Britain*, and to grant other Duties in lieu thereof; and also to amend the Laws relating to the Stamp Duties. [5th *August* 1842.]

'WHEREAS by an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to reduce certain of the Duties now payable on Stage Carriages*, certain Duties contained in the Schedule to the said Act annexed were granted and imposed, and are now payable for and in respect of every Mile which a Stage Carriage shall be licensed to travel: And whereas by an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties under the Management of the Commissioners of Stamps, on Stage Carriages, and on Horses let for Hire in* Great Britain, *and to grant other Duties in lieu thereof; and also to consolidate and amend the Laws relating thereto*, certain Duties contained in the Schedule (A.) to the last-mentioned Act annexed were granted for and in respect of every Licence for keeping, using, and employing any Stage Carriage, and for and in respect of all Passengers conveyed for Hire along any Railway in *Great Britain* in or upon Carriages drawn or impelled by the Power of Steam or otherwise: And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in* Great Britain; *and for granting other Duties in lieu thereof*, certain Stamp Duties were granted and imposed, amongst others, upon Bills of Lading and Charter-parties in *Great Britain*, and upon Instruments of Collation, Donation, Presentation, and Institution of and to any Ecclesiastical Benefice, Dignity, or Promotion in *England*, and upon certain Licences herein-after mentioned; and it is expedient that all the said Duties should be repealed, and others granted in lieu thereof;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the aforesaid Duties granted and imposed by the said Act passed in the Second and Third Years of Her Majesty's Reign, for and in respect of every Mile which any Stage Carriage shall be licensed to travel, and the aforesaid Duties granted and imposed by the said Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, for and in respect of every Licence for keeping, using, or employing any Stage Carriage, and for and in respect of Passengers conveyed for Hire along any Railway in *Great Britain*, and the Duties herein-after mentioned, granted and imposed by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, (that is to say,) the Duty of Three Shillings upon any Bill of Lading of or for any Goods, Merchandize, or Effects to be exported or carried Coastwise, and the several Duties of One Pound Fifteen Shillings and One Pound Five Shillings upon any Charter-party, or any Agreement or Contract for the Charter of any Ship or Vessel, or any Memorandum, Letter, or other Writing between the Captain, Master, or Owner of any Ship or Vessel, and any other Person, for or relating to the Freight or Conveyance of any Money, Goods, or Effects on board of such Ship or Vessel, and the several and respective Duties of Twenty Pounds and Ten Pounds upon any Collation, Donation, or Presentation of or to any Ecclesiastical Benefice, Dignity, or Promotion in *England*, and the several and respective Duties of Two Pounds, Thirty Pounds, and Fifteen Pounds upon any Institution in and to any Ecclesiastical Benefice, Dignity, or Promotion in *England*, and the Duty of Two Pounds upon any Licence which shall pass the Seal of any Archbishop, Bishop, Chancellor, or other Ordinary, or of any Ecclesiastical Court in *England*, so far as relates to any Licence to hold a Perpetual Curacy in *England*, not proceeding upon a Nomination, shall severally cease and determine, and the same shall be and are hereby repealed, save and except such of the said respective Duties, or so much and such Part or Parts thereof respectively as shall have become due or payable or have been incurred before or upon the Day appointed for the Commencement of this Act with regard to such Duties respectively, all which said Duties or Parts of Duties so due or incurred, or remaining to be paid as aforesaid, shall be recoverable by the same Ways and Means, and with and under the same Penalties, and in the same Manner, in all respects, as if this Act had not been made.

2 & 3 Vict. c. 66.

2 & 3 W. 4. c. 120.

55 G. 3. c. 184.

Duties repealed:—

On Stage Carriages;

Railway Passengers;

Bills of Lading;

Charter-party;

Collations, Presentations, &c. to Benefices.

II. And be it enacted, That in lieu of the Duties by this Act repealed there shall be raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, in and throughout *Great Britain*, for and in respect of every Licence for keeping, using, or employing any Stage Carriage in *Great Britain*, and for and in respect of every Stage Carriage, and for and in respect of the Passengers conveyed upon any Railway, and also for and in respect of the several Instruments, Matters, and Things mentioned and described in the Schedule to this Act annexed, or for or in respect of the Vellum, Parchment, or Paper upon which such Instruments, Matters, and Things, or any of them, shall be written or printed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the same Schedule; and that the said Schedule shall be deemed and taken to be a Part of this Act; and that all the said Duties shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being, and shall be denominated and deemed to be Stamp Duties.

New Duties to be levied, as set forth in the Schedule.

To be under the Commissioners of Stamps and Taxes.

III. And be it enacted, That the Commissioners of Stamps and Taxes shall be and are hereby empowered and required to provide proper and sufficient Stamps or Dies for expressing and denoting the several Duties

Commissioners to provide Dies, &c.

Commissioners may use old Dies to denote the new Duties.

Duties hereby granted upon the Vellum, Parchment, or Paper chargeable therewith, and to alter and renew the said Stamps or Dies from Time to Time as Occasion shall require: Provided always, that it shall be lawful for the said Commissioners to use any of the Stamps or Dies heretofore provided to denote any former Stamp Duties for the Purpose of expressing and denoting any of the Duties hereby granted, and to use Two or more Stamps or Dies for denoting any One Duty, as Occasion may require:

Stamps rendered useless by this Act to be allowed.

Provided also, that it shall be lawful for the said Commissioners, at any Time within Twelve Calendar Months next after the passing of this Act, to cancel and allow, in the same Manner as in the Cases of Stamps spoiled or rendered unfit for the Purpose intended, all Stamps for any of the Instruments, Matters, and Things mentioned in the said Schedule, which by the Operation of this Act shall have been rendered useless or unfit for the Purpose for which the same were originally designed, and to deliver out in lieu thereof other Stamps of the same Value, or otherwise, at their Discretion, to cause any additional Stamp or Stamps to be impressed on the Vellum, Parchment, or Paper having thereon the Stamp or Stamps so hereby rendered useless or unfit, on Payment of the Duty to be denoted by such additional Stamp or Stamps.

Accounts to be kept of Money received for the Conveyance of Passengers on Railways;

IV. And be it enacted, That the Proprietor or Company of Proprietors of every Railway in *Great Britain*, and every other Person who shall carry or convey, or cause to be carried or conveyed, any Passenger for Hire in or upon any Railway in *Great Britain*, shall, from Time to Time and at all Times, keep and enter or cause to be entered in a Book or Books to be kept for that Purpose, in such Manner and Form as the Commissioners of Stamps and Taxes shall direct or approve, a just and true Account of all and every Sum and Sums of Money which shall be received or charged daily by or for such Proprietor or Company or other Person for the Hire, Fare, or Conveyance of all such Passengers as aforesaid, whether the same shall be received for the Conveyance of Passengers on the Railway of such Proprietor or Company or other Person only, or on such last-mentioned Railway and any other Railway, or on any such other Railway only, and for or in respect of all which Sums of Money the Duties charged by this Act shall, in manner herein-after directed, be paid by the said Proprietor or Company or other Person so receiving or charging the same as aforesaid, without any Deduction or Abatement thereout on any Account or Pretence whatever; and the Proprietor or Company of Proprietors of any Railway so receiving or charging any such Sums of Money as aforesaid shall also in like Manner keep and enter or cause to be entered an Account of all Sums of Money paid or accounted for, or to be paid or accounted for, by such Proprietor or Company to the Proprietor or Company of Proprietors of any other Railway (specifying the same) upon which any of such Passengers shall be carried or conveyed, as his or their Share or Proportion of any of such Sums of Money so received or charged as aforesaid, or as or for or in the Nature of Toll or otherwise for the Use of such last-mentioned Railway, in the Conveyance of such Passengers; and the Proprietor or Company of Proprietors of every such last-mentioned Railway shall in like Manner keep and enter or cause to be entered an Account of all Sums of Money so paid or accounted for to him or them as last aforesaid, and for or in respect of which the Duties shall or ought to have been paid as aforesaid by such first-mentioned Proprietor or Company; and every such Proprietor and Company and other Person and Persons respectively shall, within Five Days after the First *Monday* in every Calendar Month, deliver to the Commissioners of Stamps and Taxes, or to the proper Officer appointed for receiving the same, a true Copy or true Copies of the Account or Accounts by this Act directed to be kept, so far as the same shall relate to all Sums of Money received or charged and paid or accounted for as aforesaid during the preceding Four or Five Weeks, as the Case may be; (that is to say,) from and including the First *Monday* in the preceding Month up to the First *Monday* of the Month in which such Account shall be rendered or ought to be rendered as aforesaid; and to and with every such Account there shall be annexed and delivered an Affidavit (to be taken before any One of Her Majesty's Justices of the Peace) of such Proprietor or other Person as aforesaid, or of the Secretary, Chief Clerk, or Accountant of such Proprietor or Company or other Person, stating that the Deponent is well acquainted with the Books and Accounts of the said Proprietor, Company, or other Person, and that he has examined and checked the same, and also the Account to which such Affidavit is annexed, and that to the best of his Knowledge, Information, and Belief such last-mentioned Account doth contain and is a true and faithful Account of all and every Sum and Sums of Money received or charged by or for such Proprietor or Company or other Person aforesaid for the Hire, Fare, or Conveyance of Passengers on any Railway during the Period comprised in such Account, and of all other Matters and Things required by this Act to be contained in such Account; and such Proprietor or Company or other Person shall, at the Time of delivering every such Account, pay or cause to be paid to the Receiver General of Stamps and Taxes, or to the Officer authorized by the said Commissioners to receive the same, for the Use of Her Majesty, the Duties chargeable under this Act for or in respect of all and every the Sum and Sums of Money so received or charged as aforesaid, and contained or which ought to be contained in such Account.

and of Money paid by the Persons carrying such Passengers to the Proprietors of Railways, on account of Fares received or for the Use of the Railway.

Copies of the Accounts to be delivered to the Commissioners of Stamps and Taxes, verified by Affidavit, and Duties paid thereon monthly.

Proprietors of Railways to deduct Duty on Sums paid over to other Proprietors.

V. Provided always, and be it enacted, That it shall be lawful (where there shall be no express Contract or Agreement between the Parties to the contrary) for any such Proprietor or Company to deduct from and retain out of the Monies to be paid over to any such other Proprietor or Company as aforesaid the Amount of the Duties by this Act chargeable thereon, and which such Proprietor or Company receiving such Monies shall have paid or be liable to pay.

Books containing any such Accounts to be

VI. And be it enacted, That all and every the Book and Books of every such Proprietor or Company or other Person, in which any Account relating to such Passengers, or to the Money received or charged for the Hire, Fare, or Conveyance of the same, or to any Money received from or paid or accounted for

to

to any other Proprietor or Company for such Hire, Fare, or Conveyance as aforesaid, or a Proportion thereof, or as or for such Toll as aforesaid, shall be entered or kept, shall be open for the Inspection and Examination at all seasonable Times of any Officer or Officers of Stamp Duties authorized by the Commissioners of Stamps and Taxes in that Behalf; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid; and if any such Proprietor or other Person, or the Secretary or Accountant, or any Clerk or Officer of any such Proprietor or Company or Person, having or keeping the Custody or Possession of any such Book, or having Power to produce the same, shall, upon Demand made by any such Officer, and upon producing and showing his Authority, refuse to permit such Officer of Stamp Duties to inspect and examine such Book, or to take Copies thereof or Extracts therefrom, or of or from any Account entered or contained therein, or shall refuse to produce such Book to such Officer of Stamp Duties for his Inspection and Examination, every such Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

open to Inspection of Officers of Stamps.

Penalty for refusing to permit Inspection.

VII. And be it enacted, That the Proprietor or Company of Proprietors of every such Railway, and every other Person, before any Passengers shall be conveyed or caused to be conveyed by him or them on any Railway as aforesaid, shall give Security, by Bond, to Her Majesty, Her Heirs and Successors, with a Condition that such Proprietor or Company, or other Person as aforesaid, shall from Time to Time enter and keep, and cause to be kept and rendered, in the Manner directed by this Act, the Accounts by this Act required to be kept and rendered by such Proprietor and Company and Persons respectively, containing and setting forth justly, truly, and faithfully all the several Matters and Things by this Act required to be contained and set forth therein; and that such Proprietor or Company or Person, and his or their Secretary, Accountant, and Clerk, and every other Person under or subject to his or their Order, Direction, or Control, having the Custody or Possession of any Books or Book of such Proprietor or Company or other Person as aforesaid, in which any Account relating to any Passengers conveyed upon any Railway, or the Money received, charged, accounted for, or paid for the Hire, Fare, or Conveyance of the same, shall be contained or entered, shall from Time to Time, upon every reasonable Request of any Officer of Stamp Duties authorized as aforesaid, produce and show to such Officer, and permit him to inspect and examine the same, and to take Copies thereof or Extracts therefrom, and of and from any Account entered or contained therein; and that such Proprietor or Company or other Person aforesaid shall and will well and truly pay or cause to be paid, for the Use of Her Majesty, Her Heirs and Successors, at the Times and in manner directed by this Act, all and every the Duties which shall from Time to Time become chargeable under this Act, and payable by him or them upon or for or in respect of the Passengers, or the Hire or Fare or Conveyance of the Passengers, which shall be so conveyed as aforesaid along any Railway; and that such Proprietor or Company, or other Person aforesaid, shall well and truly do and perform, and cause to be done and performed, all such Acts, Matters, and Things as by this Act are required or directed to be done or performed by or on the Part or Behalf of such Proprietors or Company or other Person; and every such Bond shall be taken with sufficient Sureties to the Satisfaction of the Commissioners of Stamps and Taxes, and in such Sum as the said Commissioners may judge to be reasonable and proper; and every such Security shall be renewed from Time to Time, whenever and so often as such Bond shall be forfeited, or as the Parties to the same or any of them shall die, or become Bankrupt or Insolvent, or reside in Parts beyond the Seas, and also whenever and so often as the said Commissioners shall in their Discretion require the same to be renewed; and if any Proprietor or Company of Proprietors of any such Railway, or other Person as aforesaid, shall convey or cause to be conveyed upon any Railway any Passengers for Hire, without having first given such Security by Bond to Her Majesty, in manner herein-before directed, or if any Proprietor or Company of Proprietors of any Railway shall permit or suffer any Passengers to be conveyed for Hire upon such last-mentioned Railway, by any other Person or Company, before such other Person or Company shall have given Security as aforesaid, and before a Certificate, signed by the proper Officer of Stamp Duties in that Behalf, (which Certificate such Officer is hereby authorized and required to give,) that such Security hath been given, shall have been issued, or after Notice in Writing, signed by any authorized Officer of Stamp Duties, and delivered to the Secretary or Chief Clerk of the Proprietor or Company of Proprietors of such Railway, or left at the Office of such Railway with any Clerk or Officer there, that any such Security ought, in pursuance of this Act, to be renewed, or is required to be renewed, and before a Certificate, signed as aforesaid, that the same has been renewed, shall have been issued; or if any such Proprietor or Company of Proprietors, or other Person, shall refuse or neglect to renew such Security, whenever and so often as the same is or shall by or in pursuance of this Act be required to be renewed, such Proprietor or Company or Person shall forfeit the Sum of One hundred Pounds, and the further Sum of One hundred Pounds for every Day during the Period for which there shall be any Refusal, Neglect, or Default to give or renew such Security as aforesaid, or for every Day on which any such Passengers shall be permitted to be conveyed before such Security shall be given or renewed, and a Certificate thereof issued as aforesaid, according to the true Intent and Meaning of this Act.

Railway Proprietors to give Bond for securing the Duties.

VIII. 'And whereas it is expedient to alter and amend the said Act passed in the Second and Third 'Years of the Reign of His late Majesty King *William* the Fourth in certain respects relating to Licences 'for Stage Carriages;' be it therefore enacted, That from and after the Commencement of this Act every Licence for keeping, using, or employing any Stage Carriage (except an original Licence granted between the First *Monday* in *October* and the First Day of *November* in any Year) shall be dated on the Day on which the same shall be granted, and shall commence and have Effect upon the same Day, or any subsequent Day, to be specified in such Licence as the Day of the Commencement thereof; provided, that

Commencement of Stage Carriage Licences.

no supplementary Licence shall be granted in lieu of any Licence which shall have been previously granted before the Time appointed for the Commencement of such last-mentioned Licence.

Supplementary Licences may be granted to use same Carriage on a different Line of Road.

IX. And be it enacted, That whenever any Person to whom any Licence in force to keep, use, or employ a Stage Carriage shall have been granted shall be desirous of using or employing the said Stage Carriage upon any Line of Road other than that specified in such Licence, the Commissioners of Stamps and Taxes, or their proper Officer, upon Application to them or him, as in other Cases of supplementary Licences is required in pursuance of the said Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, shall grant to such Person a supplementary Licence with such Alteration or Variation as aforesaid, as well as with any other Alteration or Variation, if required, as permitted by the last-mentioned Act, upon Payment of the Duty hereby granted upon any supplementary Licence; and also whenever any Person to whom a Licence to keep, use, or employ a Stage Carriage shall have been granted, shall die during the Existence of such Licence in force, and shall leave a Widow or a Child of full Age, and also whenever any Woman to whom any such Licence shall have been granted shall marry during the Existence of such Licence in force, and in any of such Cases respectively such surviving Widow, or the said Child, or the Husband of such Woman, shall continue and carry on the Business of such deceased Person or of such Woman respectively, it shall be lawful for the said Commissioners, or their proper Officer, if they or he shall think fit, upon the Application of any such Widow or Child or Husband, as the Case may be, and on his or her signing a Requisition for that Purpose, in such Form as the said Commissioners shall approve, and in the Case of such deceased Person, with the Consent of his or her Executor or Administrator, to grant to such Widow, Child, or Husband respectively a supplementary Licence in lieu of such pre-existing Licence so granted to such deceased Person or such Woman respectively, in the same Manner and for the same Purposes as any such supplementary Licence might have been or may be granted to such deceased Person or such Woman under the said Act or this Act in case he or she had not died or married respectively, upon Payment of the Duty by this Act granted thereon; and every such supplementary Licence in any of the Cases aforesaid, and the Person to whom the same shall be granted, shall be under and subject to the same Regulations and Liabilities, and such Person shall be entitled to the same Advantages, as if this Provision had been inserted and contained in the said Act of the Second and Third Years of the Reign of the said King *William* the Fourth, and such supplementary Licence had been granted under the Authority thereof; provided that nothing herein contained shall extend or be construed to extend to authorize the granting of any such Licence, whether original or supplementary, to any Person who shall not have attained the full Age of Twenty-one Years.

Widow or Child may continue to use Licences granted to deceased Parties.

Licences not to be granted to Minors.

Certified Copies of Licences to be Evidence.

X. 'And whereas by the said recited Act of the Second and Third Years of the Reign of King *William* 'the Fourth it is enacted, that a Copy of every Licence to keep, use, or employ a Stage Carriage, and of 'every Indorsement made thereon, shall be kept at the Office or Place from which such Licence shall be 'issued, in order that every Person may have a Copy thereof, paying One Shilling for the same; and it is 'expedient that such Copies, certified as herein-after mentioned, should be received as Evidence, of the 'granting and of the Contents of such Licences respectively, and of the Indorsements thereon;' be it therefore enacted, That the Commissioners of Stamps and Taxes, or the Officer by whom any such Licence shall have been granted, or other Officer of Stamp Duties authorized by the said Commissioners in that Behalf, shall, upon Application made to them or him for that Purpose, deliver to the Person requiring the same a Copy of any such Licence, certified according to this Act, on Payment of the Sum of One Shilling; and in all Proceedings and upon all Occasions whatsoever a Copy of any such Licence, and of every Indorsement thereon (if any), the same being made and taken from the Copy thereof filed or kept at such Office or Place as aforesaid, certified to be a true Copy under the Hand of One of the said Commissioners, or of the Officer by whom such Licence shall have been granted, or other Officer authorized as aforesaid, upon Proof made that such Certificate hath been signed with the Handwriting of a Person described in or by such Certificate as such Commissioner or Officer, and whom it shall not be necessary to prove to be a Commissioner, shall be received as Evidence, against any and every Person appearing by such Copy to be named in such Licence, that the same was duly granted by such Person, and of the Contents thereof, and of every Indorsement thereon; and in any such Case the said Commissioners, or any of their Officers, shall not be required or compellable to produce in any Court, or at any Place out of the Office of the said Commissioners or Officers respectively, the Original of any such Licence or Indorsement, or any Copy thereof filed or kept in any such Office, or any Entry or Memorandum relating to such Licence in the Books of the said Commissioners or Officers, or to give any other Evidence or Proof of the granting or Contents of any such Licence or Indorsement than such Copy certified as aforesaid.

Recital of 2&3 W.4. c. 120. s. 30., relating to Stage Carriages plying for Hire without Plates.

XI. 'And whereas by the said last-mentioned Act it is enacted, that if any Carriage be found upon 'or near to any public Highway, and any Person shall ply for Passengers to be conveyed by such Carriage 'for Hire at separate Fares, such Carriage not having placed and fixed thereupon the numbered Plates 'required by the said Act to be fixed on Stage Carriages, the Driver of such Carriage, or the Person 'having the Care thereof, or plying for Passengers to be conveyed thereby, such Driver or Person not 'being the Owner of such Carriage, shall forfeit Ten Pounds, and if he be such Owner, he shall forfeit 'Twenty Pounds; and moreover, that it shall be lawful for any Constable or other Peace Officer, or any 'Officer of Stamp Duties, without any Warrant for that Purpose, to apprehend such Driver or other 'Person, and to carry and convey him before any Justice of the Peace, to be dealt with as therein 'mentioned, and also to drive or take such Carriage, with the Horse or Horses harnessed thereto or

'drawing

'drawing the same, or to cause the same to be driven or taken to some public Green-yard or some Livery 'Stables, or other Place of Safety, and there to lodge the same for safe Custody until the Determination 'of such Justice shall be known;' and such Carriage, Horse or Horses, and Harness, are thereby made 'liable to the Payment of such Penalty, and of such Costs and Expences, or of such Expences only, as 'the Case may be, as are therein mentioned; and it is expedient to amend the said Provision by extending 'the same to the Cases herein-after mentioned;' be it therefore enacted, That if any Stage Carriage, whether licensed or not, shall be used upon any public Highway for the Purpose of carrying or conveying any Passengers, One or more of whom shall be charged or shall pay separate and distinct Fares, or a separate and distinct Fare, or at the Rate of separate and distinct Fares, for their respective Places or Seats, or his Place or Seat therein, or Conveyance thereby, such Carriage not having placed and fixed thereupon the numbered Plates required by the said last-mentioned Act to be fixed on Stage Carriages, the Driver, and also the Conductor or Guard thereof, or other Person having the Direction, Management, or Care thereof, or assisting therein, shall forfeit the Sum of Ten Pounds, or if he be the Owner, the Sum of Twenty Pounds; and moreover it shall be lawful for any Officer of Stamp Duties, without any Warrant for that Purpose, with or without the Aid and Assistance of any Constable or Peace Officer or other Person, at any Place where the Journey for the Performance of which such Carriage shall be used shall terminate, or on the Return of such Carriage to the Place from whence such Journey commenced, to apprehend such Driver, and such Conductor, Guard, or other Person, and to carry and convey him before any Justice of the Peace having Jurisdiction where the Offence shall be committed, to be dealt with as herein-after and as in the said last-mentioned Act is mentioned; and it shall also be lawful for such Officer of Stamp Duties, with or without such Aid and Assistance as aforesaid, to seize and take such Carriage, with the Horse or Horses harnessed thereto, or drawing or having drawn the same, and to drive or take the same, or to cause the same to be driven or taken, to some public Green-yard or some Livery Stables, or other Place of Safety, and there to lodge the same for safe Custody until the Determination of such Justice shall be known; and such Justice shall proceed therein as in the said last-mentioned Act is provided in relation to the Offences before described; and every such Penalty respectively, and also such Costs and Expences as in the said last-mentioned Act are mentioned respectively, shall be levied and recovered by the same Ways and Means, and, if necessary, the Offender committed for the same Term or Time as in the said last-mentioned Act are in that Behalf provided in relation to the aforesaid Penalties thereby imposed: Provided always, that nothing in this Act contained shall in any way affect or alter, or be deemed to affect or alter, the Provision contained in the said last-mentioned Act, so far as the same relates to the Offence herein-before described.

Recited Enactment amended.

XII. 'And whereas it is expedient that all Mail Coaches licensed to carry Passengers for Hire should 'have fixed thereon the usual numbered Plates, in like Manner as other Stage Carriages;' be it therefore enacted, That so much of the said last-mentioned Act as enacts that none of the Regulations therein contained relating to the Plates to be fixed upon any Stage Carriage shall extend to any Mail Coach employed in the Service of the General Post Office, built or constructed according to the Regulations of the Postmaster General, and not carrying more than Four outside Passengers, shall be and the same is hereby repealed.

2&3 W. 4. c. 120. s. 46., excepting Mail Coaches from the Regulations as to Plates, repealed.

XIII. 'And whereas the repealing of the Duties in respect of the Passengers to be conveyed by Stage 'Carriages in *Great Britain*, and granting a uniform Rate of Duty on Stage Carriages in lieu thereof, 'will render certain Regulations necessary for preventing the overloading of such Carriages, and the 'Dangers and Inconveniences consequent thereon;' be it therefore enacted, That no Stage Carriage shall be allowed to carry at one Time a greater Number of Passengers in the whole, or in the Inside or on the Outside thereof, than the same is constructed to carry according to the Regulations of this Act; and that no such Carriage shall be deemed to be constructed to carry a greater Number of Passengers than the same will contain at one Time, upon fit and proper Seats provided therein or thereupon for that Purpose, allowing for every Passenger, on an Average, upon each and every separate Seat, a Space convenient for sitting thereon of Sixteen Inches, measuring in a straight Line lengthwise on the Front of each Seat: Provided always, that no Child under Five Years of Age, sitting in the Lap, shall be deemed a Passenger within the Meaning of this Act.

No Stage Carriage to carry a greater Number of Passengers than it is constructed to carry.

What Number of Passengers a Carriage shall be deemed to be constructed to carry.

XIV. And be it enacted, That no Stage Carriage shall be used or employed unless nor until there shall be truly painted, in Words at Length, and in legible and conspicuous Roman Letters, One Inch at the least in Height, and of a proper and proportionate Breadth, and in a Colour different from and opposite to the Colour of the Ground on which such Letters shall be painted, and in One or more straight horizontal Line or Lines, upon some conspicuous Part on the Outside of such Carriage, at the Back thereof, and also in the Inside thereof, and where the same shall be constructed to carry Passengers in different Compartments, then in each such Compartment, and so that the same shall be at all Times plainly and distinctly visible and legible, the Number of Passengers which such Carriage is constructed to carry according to this Act in the whole, and on the Outside and in the Inside thereof respectively, and in each such Compartment; and if any Stage Carriage shall be used or employed without having all and every such Particulars painted thereon in manner aforesaid, or if any Stage Carriage shall be used or employed having thereon or in or on any Part thereof any Words or Figures, or any Particulars whatever, specifying or importing, or tending or intended to signify or import, that the same is constructed or in any way authorized to carry a greater Number of Passengers in the whole, or on the Outside or in the Inside thereof respectively, or in any Compartment thereof, than the same is truly constructed to carry according to the Regulations of this Act, the Proprietor thereof shall forfeit the Sum of Ten Pounds.

The Number of Passengers which a Carriage is constructed to carry to be painted thereon.

If any Stage Carriage be used without having the proper Particulars painted thereon, Penalty 10*l*.

XV. And

If more Passengers be carried than the Carriage is constructed to carry, &c. Penalty *5l.*

XV. And be it enacted, That if the Number of Passengers at any one Time conveyed in, upon, or about any Stage Carriage shall be greater in the whole, or upon or about the Outside thereof, or in the Inside thereof, or in any Compartment thereof respectively, than the same is constructed to carry, according to the Regulations of this Act, or than any Particulars painted thereon shall specify in the whole, or upon the Outside thereof, or in the Inside thereof, or in any Compartment thereof respectively, the Driver and Conductor or Guard thereof for the Time being respectively shall forfeit the Sum of Five Pounds.

Any Constable or Passenger may measure the Seats.

XVI. And be it enacted, That it shall be lawful for any Constable or Peace Officer at any Time, and also for any Person travelling or having immediately before travelled by any Stage Carriage, in any Case where he shall have Reason for believing or suspecting that a greater Number of Passengers are carried or are about to be carried, or have immediately before, or at any Time during the Journey last performed, been carried, by such Stage Carriage, to measure the Seats or any of the Seats in or upon such Carriage, in order to ascertain the Length thereof respectively, or the Number of Passengers which the said Carriage is constructed to carry; and if any Person shall refuse to permit the Seats in or upon any such Stage Carriage to be measured, or shall by any means or in any way prevent or attempt to prevent any Constable, Peace Officer, or other such Person as aforesaid from or hinder or obstruct him in measuring the same, the Person so offending shall forfeit for every such Offence the Sum of Five Pounds.

Penalty for Refusal, to permit measuring, *5l.*

Number of Passengers allowed to be carried on the Outside of Stage Carriages.

XVII. And be it enacted, That no Stage Carriage the Top or Roof of which shall be more than Eight Feet Nine Inches from the Ground, or the Bearing of which on the Ground shall be less than Four Feet Six Inches from the Centre of the Track of the Right or Off Wheel to the Centre of the Track of the Left or Near Wheel, shall be allowed to carry in any Case more than the Number of Outside Passengers herein-after respectively mentioned; (that is to say,) not more than Five Outside Passengers where such Carriage shall be constructed to carry, according to the Regulations of this Act, not exceeding Nine Passengers in the whole; not more than Eight Outside Passengers where such Carriage shall be constructed to carry, according to the said Regulations, in the whole exceeding Nine and not exceeding Twelve Passengers; not more than Eleven Outside Passengers where such Carriage shall be constructed to carry, according to the said Regulations, in the whole exceeding Twelve and not exceeding Fifteen Passengers; not more than Twelve Outside Passengers where any such Carriage shall be constructed to carry, according to the said Regulations, in the whole exceeding Fifteen and not exceeding Eighteen Passengers; and not more than Two additional Outside Passengers for every Three additional Passengers which any such Carriage shall be constructed to carry, according to the said Regulations, in the whole; and if any greater Number of Outside Passengers shall be carried by any such Stage Carriage as aforesaid than is herein-before specified and allowed, the Driver of such Stage Carriage, and the Conductor or Guard thereof, at the Time when such Offence shall be committed, shall respectively forfeit the Sum of Five Pounds.

Not to alter the Regulations of 2&3 W. 4. c. 120.

XVIII. And be it enacted, That nothing in this Act contained shall in any way alter or affect any of the Regulations or Provisions contained in the said Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, relating to Stage Carriages, now in force, which shall not be inconsistent with the Regulations and Provisions herein contained; and that all the Clauses and Provisions contained in the said Act relating to the Recovery of Penalties before any Justice of the Peace shall be applied and be put in force for the Recovery of any Penalty imposed by or incurred under this Act: Provided always, that it shall be lawful for any Person to inform and prosecute for any Penalty incurred, as well by the Owner or Proprietor of any Stage Carriage, as by the Driver, Conductor, or Guard thereof, under this Act, so far as relates to the Particulars to be painted on Stage Carriages, or to carrying a greater Number of Passengers by any Stage Carriage than the same is constructed to carry, or than is allowed by this Act, provided the Information be exhibited or the Complaint made within Ten Days after the Offence shall have been committed: Provided also, that where by this Act any Penalty is imposed upon the Driver and Conductor or Guard of any Stage Carriage respectively for One and the same Offence, only One Prosecution shall be had or maintained for the Recovery of such Penalty against such Driver or Conductor or Guard, at the Option of the Person prosecuting for the same.

Recovery of Penalties for Offences relating to Stage Carriages.

Evidence in Prosecutions relating to the carrying of Passengers by Stage Carriages.

XIX. And be it enacted, That in any Prosecution for the Recovery of any Penalty relating to the carrying of Passengers by any Stage Carriage, or to the Number of Passengers which any Stage Carriage shall be constructed to carry, if Proof be made of the due Admeasurement of the Height or Bearing of such Stage Carriage, or of the Seat or any of the Seats in or upon any such Carriage, or of the Particulars painted thereon, the same shall be deemed and received as Evidence thereof without the Production of such Carriage.

Reciting 22 G. 3. c. 48., as to Fire Insurances;

XX. 'And whereas by an Act passed in the Twenty-second Year of the Reign of King *George* the 'Third, intituled *An Act for charging a Duty on Persons whose Property shall be insured against Loss by 'Fire*, it is enacted, that no Person shall insure or open any Office for insuring Houses, Furniture, 'Goods, Wares, Merchandizes, or other Property, from Loss by Fire, in *Great Britain*, without first 'taking out a Licence for that Purpose from the Commissioners for managing the Stamp Duties, which 'Licence it is enacted shall endure and have Force for One Year only; and it is thereby also enacted, 'that every Person and Body Politic or Corporate to whom any such Licence shall be granted shall at 'the Time of receiving such Licence give Security, by Bond, to His Majesty, conditioned for making 'out and delivering the Accounts of all Monies received for Duties granted by the said last-mentioned 'Act, and Payment of the same, as therein mentioned: And whereas, under and by virtue of an Act 'passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth,

'intituled

'intituled *An Act to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving 'Security by Bond to the Postmaster General and Commissioners of Land Revenue, Customs, Excise, 'Stamps, and Taxes*, and of an Act passed in the First and Second Years of Her present Majesty's 'Reign, for amending the said last-mentioned Act, any Person from whom any Security is required in 'respect of any Matter relating to the Revenues of the Post Office, Land Revenues, Customs, Excise, 'Stamps, or Taxes is enabled, in lieu of giving such Security by Bond, to give the same by Transfer of 'Stock or Deposit of Exchequer Bills, as therein mentioned: And whereas the giving of Security every 'Year by Persons insuring Property from Loss or Damage by Fire, on taking out a Licence for that 'Purpose, is attended with great Inconvenience, and it is expedient to provide a Remedy for the same:' Be it therefore enacted, That every Licence which shall be hereafter granted for insuring Houses, Furniture, Goods, Wares, Merchandizes, or other Property from Loss by Fire, under the said Act passed in the Twenty-second Year of the Reign of King *George* the Third, shall endure and remain in force from the Day of the Date thereof for and during all such Time as the Body Politic or Corporate to which the same shall be granted, or the Persons therein named, or any of them, shall continue to insure or carry on the Business of Fire Insurance, or, in the Case of a Company not incorporate, so long as the Persons named in the Licence shall be Members or Partners or a Member or Partner of the Company named or described in such Licence, and as and for the whole of which the same shall have been granted, any thing in any of the said recited Acts or in any other Act contained to the contrary notwithstanding: Provided always, that every Person and Body Politic or Corporate, to whom any such Licence as aforesaid shall be granted, shall give Security, by Bond, to Her Majesty, Her Heirs and Successors, in such Sum as the Commissioners of Stamps and Taxes shall think proper, with sufficient Sureties to the Satisfaction of the said Commissioners, or by Transfer of Stock or Deposit of Exchequer Bills, in pursuance of the said recited Acts in that Behalf, for duly and faithfully keeping, making out, signing, and delivering, in the Manner required by any Act of Parliament relating thereto, all and every the Accounts by any such Act required to be kept, made out, signed, and delivered by Persons and Bodies Politic or Corporate to whom Licence is granted for insuring Houses, Furniture, Goods, Wares, Merchandizes, or other Property from Loss by Fire, and for duly and faithfully paying, as required by any such Act, to the Receiver General of Stamps and Taxes, or to such other Person as the said Commissioners may require, for the Use of Her Majesty, Her Heirs and Successors, the Duties which shall appear to be due on such Accounts respectively, and for truly and faithfully observing and performing all the Directions, Matters, and Things contained in the said Acts on the Part of such licensed Person or Body Politic or Corporate to be observed and performed; and every such Security to be given under any of the said Acts, whether by Bond or Transfer, or Deposit of Stock or Exchequer Bills, and in the Case of any such Transfer or Deposit in or into whose Name or Names soever, together with the Name of the Chairman of the Commissioners of Stamps and Taxes for the Time being, the Stock or Exchequer Bills shall be, or be transferred or deposited, shall continue and be a Security for the due Performance of all Things required as aforesaid, not only during all such Time as the Licence to which the same shall relate shall be in force, but during all such Time as the Body Politic or Corporate, or the Company not incorporate named or described in such Licence, shall insure any such Property from Loss by Fire, or shall carry on the Business of such Insurance, whether any such Licence shall be in force or not, or otherwise according to the Conditions of any such Bond, or the Terms or Conditions of any Declaration relating to any such Stock or Exchequer Bills; and such Stock or Exchequer Bills may, when the Security for which the same was or were transferred or deposited shall be no longer necessary, be transferred or delivered up to any of the Persons who for the Time being shall be a Partner or Member or Partners or Members of the Company for or on whose Behalf the same was or were transferred or deposited, or otherwise according to the Terms, if any, in that Behalf mentioned and contained in any such Declaration, as the said Chairman for the Time being shall think proper: Provided always, that every such Security shall be renewed from Time to Time, as often as any such Bond shall become forfeited, or any of the Parties thereto shall die or become bankrupt or insolvent, or reside in Parts beyond the Seas, and also as often as the said Commissioners shall think fit, and in such Amount as they or the Commissioners of Her Majesty's Treasury shall direct, whether the same shall be by Bond or Transfer or Deposit as aforesaid; and in the event of any Neglect or Refusal to renew the same when required by this Act or by the said Commissioners of Stamps and Taxes, it shall be lawful for the said last-mentioned Commissioners to revoke the Licence which shall have been granted to the Body Politic or Corporate, or Company, or Persons neglecting or refusing to renew such Security to insure Property from Loss by Fire, and thenceforth such Licence shall cease and determine.

6&7W. 4. c.28. and 1&2Vict. c.61., as to Deposit of Stock.

Fire Insurance Licences to be permanent.

Security to be given for Payment of Duties.

The Security to continue in force so long as the Person to whom the Licence is granted or the Company shall continue to insure.

The Security to be renewed.

XXI. And be it enacted, That it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their Officers, to stamp or mark any Vellum, Parchment, or Paper upon which any Bill of Lading, or any Charter-party, or any Agreement, Contract, Memorandum, Letter, or other Writing by this Act chargeable with any Duty as a Charter-party, shall be engrossed, written, or printed, under any Pretence whatever, after the same shall be executed or signed by any Party, except as herein is provided; and if any Person shall make or sign any Bill of Lading which shall be engrossed, printed, or written, or partly engrossed or written and partly printed, upon Vellum, Parchment, or Paper not duly stamped according to Law, every such Person shall forfeit the Sum of Fifty Pounds: Provided always, that if any Charter-party, or any such Agreement, Contract, Memorandum, Letter, or Writing chargeable with any Duty as a Charter-party, shall be brought to the Head Office of the said Commissioners, or to any of

Stamping of Bills of Lading and Charter-parties after signing.

Penalty for signing an unstamped Bill of Lading.

Charter-parties may be stamped on Payment of the Duty, or

Duty and Penalty, within certain limited Periods after the signing thereof.

of their proper Officers, to be stamped, within Fourteen Days after the same shall bear Date, and shall have been executed or signed by the Party thereto who shall have first executed or signed the same, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped, upon Payment of the Duty chargeable thereon, without any Penalty; and if the same shall be brought to the said Head Office to be stamped at any Time after the Expiration of such Fourteen Days and within One Calendar Month after the same shall bear Date, and shall have been first executed or signed as aforesaid, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped upon Payment of the Duty chargeable thereon, and of the further Sum of Ten Pounds by way of Penalty.

Persons admitted Members of Inns of Court both in England and Ireland to be allowed the Stamp Duty charged on Admission in England.

XXII. 'And whereas before any Person is admitted to the Degree of a Barrister-at-Law in *England* 'he is required to be admitted a Member of One of the Inns of Court in *England*, as well as a Student 'into the Society of *King's Inns* in *Dublin*, and it is expedient to relieve all such Persons from the Duty 'payable on such Admission in *England*;' be it therefore enacted, That where any Person shall be admitted a Member of any of the Inns of Court in *England*, and also a Student into the Society of *King's Inns* in *Dublin*, and shall have paid the Stamp Duties chargeable on both such Admissions, it shall be lawful for the Commissioners of Stamps and Taxes to repay to such Person the Amount of the Duty on such Admission in *England*, after deducting the usual Discount allowed on the Purchase of Stamps in *England*, provided Application shall be made for that Purpose within Six Calendar Months after the last Admission; and Proof of both such Admissions, and the Payment of the Duties thereon, shall be made to the Satisfaction of the said Commissioners, who shall be at liberty to make such Regulations relating thereto as they shall think proper.

A Return of Duty on Probates, &c. to be made in respect of Debts, if claimed in Three Years.

XXIII. 'And whereas by the said recited Act of the Fifty-fifth Year of the Reign of King *George* 'the Third the Commissioners of the Treasury are authorized to allow Time for making Claims for a 'Return of Stamp Duty paid upon Probates of Wills and Letters of Administration in Cases where an 'Executor or Administrator hath paid Debts out of the personal or moveable Estate of any deceased 'Person, and it is expedient to authorize the Commissioners of Stamps and Taxes to allow Time for 'making such Claims;' be it therefore enacted, That where it shall be proved by Oath and proper Vouchers, to the Satisfaction of the said Commissioners of Stamps and Taxes, that an Executor or Administrator hath paid Debts due and owing from the Deceased, and payable by Law out of his or her personal or moveable Estate, to such an Amount as, being deducted from the Amount or Value of the Estate and Effects of the Deceased for or in respect of which a Probate or Letters of Administration shall have been granted in *England* after the Thirty-first Day of *August* One thousand eight hundred and fifteen, or which shall be included in any Inventory duly exhibited and recorded after that Day in a Commissary Court in *Scotland*, shall reduce the same to a Sum which, if it had been the whole gross Amount or Value of such Estate or Effects, would have occasioned a less Stamp Duty to be paid on such Probate or Letters of Administration or Inventory than shall have been actually paid thereon, it shall be lawful for the said Commissioners of Stamps and Taxes and they are hereby required to return the Difference, provided the same shall be claimed within Three Years after the Date of such Probate or Letters of Administration, or the recording of such Inventory as aforesaid; but where, by reason of any Proceeding at Law or in Equity, the Debts due from the Deceased shall not have been ascertained and paid, or the Effects of the Deceased shall not have been recovered and made available, and in consequence thereof the Executor or Administrator shall be prevented from claiming such Return of Duty as aforesaid within the said Term of Three Years, it shall be lawful for the said Commissioners of Stamps and Taxes to allow such further Time for making the Claim as may appear to them to be reasonable under the Circumstances of the Case.

Penalties imposed by this Act how to be recovered.

XXIV. And be it enacted, That all pecuniary Penalties imposed by or which may be incurred under this Act may be sued or prosecuted for and recovered by the same Ways and Means, and in the same Manner and Form, and be mitigated and applied as any other Penalty incurred under any Act relating to the Stamp Duties may be sued for, prosecuted, and recovered, mitigated, and applied; and that all the Powers, Provisions, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts in force with relation to any of the Duties under the Management of the Commissioners of Stamps and Taxes, so far as the same are or may be applicable in Cases not by this Act expressly provided for, and so far as the same shall not be superseded by, and as the same shall be consistent with, the express Provisions of this Act, shall be of full Force and Effect with respect to the Duties by this Act granted, and to the Matters and Things charged or chargeable therewith, in respect of which Duty is hereby granted, and shall be applied and put in execution for recovering, securing, and collecting the said Duties hereby granted, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Regulations, Forfeitures, Pains, and Penalties had been repeated and specially enacted in this Act with reference to the Duties by this Act granted and made payable.

Powers, Provisions, &c. of former Acts to continue in force.

Construction of Terms used in this Act.

XXV. And be it enacted, That wherever in this Act, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons as well as One Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

XXVI. And

XXVI. And be it enacted, That this Act shall commence and take effect on the respective Days herein-after mentioned; (that is to say,) so much thereof as relates to the Duties on Passengers conveyed on Railways shall commence and take effect on the First Day of *August* in this present Year One thousand eight hundred and forty-two; and so much thereof as relates to Stage Carriages, and Licences for keeping, using, or employing the same, and to the Duties thereon, shall commence and take effect on the Third Day of *October* in this present Year One thousand eight hundred and forty-two; and so much as relates to any other Duties, Matters, and Things shall commence and take effect on the passing of this Act. Commencement of Act.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULE,

CONTAINING

The DUTIES by this Act granted on STAGE CARRIAGES;

(that is to say,)

	Duty. £	s.	d.
For and in respect of every original Licence to be taken out yearly by the Person who shall keep, use, or employ any Stage Carriage in Great Britain; (that is to say,) for every such Stage Carriage	3	3	0
And for and in respect of every supplementary Licence for the same Carriage, for which any such original Licence shall have been granted, which shall be taken out in any Case allowed by Law during the Period for which such original Licence was granted	0	5	0
And for and in respect of every Mile which any Stage Carriage shall be licensed to travel	0	0	1½
And also the DUTIES in respect of PASSENGERS conveyed for Hire by CARRIAGES travelling upon RAILWAYS; (that is to say,)			
For and in respect of all Passengers conveyed for Hire upon or along any Railway, a Duty at and after the Rate of 5*l.* for 100*l.* upon all Sums received or charged for the Hire, Fare, or Conveyance of all such Passengers.			
And also the DUTIES on the Instruments, Matters, and Things herein mentioned and described; (that is to say,)			
Bill of Lading of or for any Goods, Merchandize, or Effects to be exported or carried Coastwise	0	0	6
Charter-party, or any Agreement or Contract for the Charter of any Ship or Vessel, or any Memorandum, Letter, or other Writing between the Captain, Master, or Owner of any Ship or Vessel, and any other Person, for or relating to the Freight or Conveyance of any Money, Goods, or Effects on board of such Ship or Vessel	0	5	0
Collation or Appointment by any Archbishop or Bishop to any Cathedral, Prebend, Dignity, Office, or Honorary Canonry, having no Endowment or Emolument attached or belonging thereto	2	0	0
Collation by any Archbishop or Bishop to any Ecclesiastical Benefice, Dignity, or Promotion in England, other than as aforesaid	7	0	0
And where the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof, over and above the first 200*l.*, a further Duty of	5	0	0
Donation or Presentation by Her Majesty, or Her Heirs or Successors, of or to any Ecclesiastical Benefice, Dignity, or Promotion in England	5	0	0
And where the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof, over and above the first 200*l.*, a further Duty of	5	0	0
Institution granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, to any Ecclesiastical Benefice, Dignity, or Promotion in England:			
Where the same shall proceed upon a Presentation	2	0	0
And where it shall proceed upon the Petition of the Patron to be himself admitted and instituted	7	0	0
And if in the latter Case the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof, over and above the first 200*l.*, a further Duty of	5	0	0
Note:—The Value of such Benefice, Dignity, or Promotion in any and every of the Cases aforesaid to be ascertained by the Certificate of the Ecclesiastical Commissioners for England: Provided always, that Two or more Benefices episcopally or permanently united shall be deemed One Benefice only.			
Licence to hold a Perpetual Curacy not proceeding upon a Nomination	3	10	0

CAP. LXXX.

An Act to grant Relief from the Duties of Assessed Taxes in certain Cases, and to provide for the assessing and charging the Property Tax on Dividends payable out of the Revenue of Foreign States. [5th *August* 1842.]

'WHEREAS it is expedient to grant Relief from certain of the Duties of Assessed Taxes in the 'several Cases herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon all Assessments made or to be made for any Year commencing from or after the Fifth Day of *April* One thousand eight hundred and forty-two the several Duties of Assessed Taxes herein-after mentioned, granted by Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King *George* the Third, (that is to say,) the Duties chargeable under Schedule (C.), Number 4., of the said respective Acts, for every Coachman kept for the Purpose of driving any public Stage Coach or Carriage for the Purpose of conveying Passengers for Hire, and for every Person employed as a Guard to such Stage Coach or Carriage, and also the Duties chargeable under Schedule (D.), Number 1., of the said respective Acts, so far as the same relate to Carriages with Four Wheels, kept and used solely for the Purpose of being let for Hire, where more than One such Carriage are so kept and used, shall respectively cease and determine, and the same shall be and are hereby repealed; and that in lieu of the said last-mentioned Duties upon all such Assessments made or to be made as aforesaid there shall be assessed, raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, in and throughout *Great Britain*, for every such Carriage kept and used solely for the Purpose of being let for Hire, the annual Sum of Six Pounds, in like Manner, and under and subject to the like Rules, Regulations, and Conditions, as the Duties chargeable under the said Schedule (D.): Provided always, that nothing herein contained shall extend or be construed to extend to repeal, alter, or affect any of the Duties granted by an Act passed in the Third Year of Her present Majesty's Reign, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, or to charge the Duty hereby granted upon or in respect of any Carriage which under the said last-mentioned Act is chargeable with a less Rate of Duty.

Duties of Assessed Taxes on Stage Coachmen and Guards, and on certain Carriages kept to be let for Hire, repealed.

New Duties on such Carriages granted in lieu of Duties repealed.

Not to affect the Duties granted by 3 & 4 Vict. c. 17.

II. 'And whereas by an Act passed in the present Session of Parliament for granting to Her Majesty 'Duties on Profits arising from Property, Professions, Trades, and Offices, it is enacted, that the Com- 'missioners for Special Purposes in the said Act mentioned shall be Commissioners, under the Regulations 'of the said Act, for the Purpose of assessing and charging the Duties thereby made payable on all 'Dividends and Shares of Annuities payable out of the Revenue of any Foreign State to any Persons, 'Corporations, Companies, or Societies in *Great Britain*, which shall have been or shall be intrusted for 'such Payment to any Person, Corporation, Company, or Society whatever in *Great Britain*, other than 'and except the several Companies in the said last-recited Act mentioned, and which Assessments are 'thereby directed to be made under and subject to the Rules, Regulations, and Exemptions contained in 'Schedule (C.) of the same Act: And whereas it is expedient to provide more effectually for carrying 'into execution the Powers and Provisions of the said Act, so far as the same relate to the assessing and 'charging of the said Duties on such Dividends and Shares of Annuities as aforesaid;' be it therefore enacted, That all Persons intrusted with the Payment of Annuities, or any Dividends or Shares of Annuities, payable out of the Revenue of any Foreign State to any Persons, Corporations, Companies, or Societies in *Great Britain*, or acting therein as Agents or in any other Character, shall, without further Notice or Demand thereof, deliver or cause to be delivered into the Head Office for Stamps and Taxes in *England* an Account in Writing containing their Names and Residences, and a Description of the Annuities, Dividends, and Shares intrusted to them for Payment, within One Calendar Month after the same shall have been required by public Notice in the *London Gazette*, and shall also, on Demand by the Inspector authorized for that Purpose by the Commissioners of Stamps and Taxes, deliver or cause to be delivered to him, for the Use of the said Commissioners for Special Purposes, true and perfect Accounts of the Amount of Annuities, Dividends, and Shares payable by them respectively; and the said Commissioners for Special Purposes shall make an Assessment thereon under Schedule (C.) of the said last-recited Act, at the Rate therein prescribed, subject to Diminution on occasion of any Exemptions to be allowed by the said Commissioners for Special Purposes, giving Notice of the Amount of such Assessments to the respective Persons intrusted with such Payments, who shall respectively pay the Duty on the said Annuities, Dividends, and Shares, on behalf of the Persons, Corporations, and Companies entitled unto the same, out of the Monies in their Hands, and they shall be acquitted of such Payments in like Manner, and the like Proceedings in all respects shall be had under the said Commissioners for Special Purposes, as are by the said last-recited Act directed in respect of Annuities payable out of the public Revenue of the United Kingdom: Provided always, that the Persons intrusted with such Payment shall from Time to Time pay the Duty so assessed thereon into the Bank of *England*, to the Account to be kept at the Bank of *England* with the Receiver General of Stamps and Taxes, as directed by the said Act, and shall be answerable for such Payment, and which Duty so assessed shall, in default of such Payment, be recoverable against the Persons respectively intrusted with such Payments, as other Duties charged on the Parties may be recovered against them; and if any Person intrusted with the Payment of any such last-mentioned Annuities, or any Dividends or Shares thereof, in the Manner herein mentioned, or acting therein as Agent or in any other Character, shall neglect or refuse to deliver an Account of his

Recital of 5 & 6 Vict. c. 35. s. 29.

Persons intrusted with the Payment of Foreign Dividends or Annuities shall deliver Accounts thereof.

Commissioners for Special Purposes to make Assessments thereon.

Name

Name and Residence in the Manner herein directed, or, after Demand, shall neglect or refuse to deliver an Account as aforesaid of the Amount of such Annuities, Dividends, and Shares as he is intrusted with the Payment of, or in the Payment of which he shall act as Agent or in any other Character, he shall forfeit the Sum of One hundred Pounds, over and above the Duty chargeable on such Annuities, Shares, or Dividends.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXI.

An Act to transfer the Collection and Management of the Duties on Certificates to kill Game in *Ireland* to the Commissioners of Excise. [5th *August* 1842.]

'WHEREAS under and by virtue of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, intituled *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof; and to make more effectual Regulations for collecting and managing the said Duties*, the several Duties herein-after specified were granted and are now payable to Her Majesty in *Ireland;* (that is to say,) for and in respect of every Certificate of having registered a Deputation as a Gamekeeper, the Duty of Three Pounds and Three Shillings; and for and in respect of every Certificate to authorize any Person, not being a Gamekeeper, to kill Game in *Ireland*, the Duty of Three Pounds and Three Shillings; which said Duties are now under the Care and Management of the Commissioners of Stamps and Taxes; and it is expedient to transfer the Collection and Management thereof to the Commissioners of Excise:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Duties so granted as aforesaid, and now payable in *Ireland*, shall be and the same are hereby transferred to and placed under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same Manner as the other Duties under the Management of the said Commissioners of Excise, and shall be charged, raised, levied, sued for, and paid under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise; all which Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures shall and the same are hereby directed and declared to extend to, and shall be applied and put in execution, except where otherwise altered or declared by this Act, in as full and ample a Manner, in respect to the said Duties, and the Certificates to be granted on Payment thereof, as if the same were repeated and re-enacted herein.

56 G. 3. c. 56.

Duties on Game Certificates in Ireland to be under the Management of the Commissioners of Excise.

Persons keeping Dogs for killing Game, not Gamekeepers, to take out Certificate.

II. And be it enacted, That every Person in *Ireland*, not acting as a Gamekeeper under and by virtue of a Deputation or Appointment duly made to him, who shall keep or use any Dog, or any Gun, Net, or Engine, for the Destruction of Game, shall, previously to using the same or killing any Game, annually, on Payment of the Duty granted and imposed thereon as aforesaid, obtain from the Officers of Excise authorized to grant Certificates a Certificate authorizing him to kill Game.

Gamekeeper to register his Deputation with the Excise Officer, and take out a Certificate.

III. And be it enacted, That every Person in *Ireland* to whom any Deputation or Appointment as a Gamekeeper shall be made by any Lord or Lady of a Manor, or other Person authorized to make such Deputation or Appointment, shall, previously to acting under such Deputation or Appointment, and in each succeeding Year, register the same with the Supervisor of Excise within whose District any of the Manors, Lands, or Tenements comprised in such Appointment, and described therein, shall be situate; and the Officers of Excise authorized to grant Certificates shall thereupon, on Payment of the Duty granted and imposed thereon as aforesaid, grant a Certificate to such Gamekeeper to kill Game.

By what Officers Certificates to be granted.

IV. And be it enacted, That every such Certificate shall be granted by and under the Hands of the Supervisor and Officer of Excise of the District within which the Person, not being a Gamekeeper, shall reside, or within which any of the Manors, Lands, or Tenements comprised and described in the Deputation or Appointment of any Gamekeeper shall be situate, or by such other Officer or Officers of Excise as the Commissioners of Excise shall authorize and direct to grant the same; and every such Certificate shall be in the Form and to the Effect set forth in the Schedule to this Act, with any other Particulars the Commissioners of Excise may direct to be inserted therein, and shall bear Date on the Day and Year on which the same shall be issued, and shall endure and remain in force from thence until the Fifth Day of *July* next following the Date thereof, and no longer.

Penalty on uncertificated Persons keeping Dogs for killing Game, &c.

V. And be it enacted, That if any Person in *Ireland* shall have, keep, or use any Greyhound, Hound, Pointer, Setting Dog, Spaniel, Lurcher, or other Dog, or any Gun, Net, or other Engine, for the taking or Destruction of any Hare, Pheasant, Partridge, Woodcock, Snipe, Heath Fowl (commonly called Black Game), or Grouse (commonly called Red Game), or any other Game whatsoever, or if any Person shall have or obtain any Deputation or Appointment as a Gamekeeper, or shall act as a Gamekeeper, without having taken out or renewed a Certificate duly granted to him, and then in force, every such Person respectively so offending shall forfeit Twenty Pounds.

Commissioners of Excise may publish Lists of Certificated Persons.

VI. And be it enacted, That the Commissioners of Excise shall, if they shall see fit and expedient so to do, so often and at such Times in every Year as they shall think fit, cause Lists of all Certificates to kill Game granted in *Ireland* to be inserted in the Newspapers circulating in each respective County in *Ireland*, or in such public Newspapers as to them shall seem most proper.

Provision for Change of Gamekeeper.

VII. And be it enacted, That if any Lord or Lady of a Manor, or other Person entitled to make a Deputation or Appointment, shall make any new Deputation or Appointment, within the Year, of a Gamekeeper for any Manor or Lands, in the Room of the Person previously appointed, and to whom a Certificate shall have been previously issued, and such Person so newly appointed shall register such new Deputation or Appointment with the proper Supervisor of Excise in the same District in which such former Certificate was granted, it shall be lawful for the Officers of Excise to grant to such newly appointed Person a new Certificate, without the Payment of any further Duty, and thenceforth every former Certificate granted in the same Year, on a Deputation or Appointment, signed by the same Person, shall be thenceforth null and void, and any Person acting under such former Certificate shall incur the Penalties prescribed for acting as a Gamekeeper or killing Game without a Certificate; provided that the Officers of Excise granting such further Certificate shall write thereon Second (Third, or Fourth, and so on,) Certificate within this Year.

Compelling Production of Certificate.

VIII. And be it enacted, That if any Person in *Ireland* shall be found using any Dog, Gun, Net, or other Engine for the taking or Destruction of Game, it shall be lawful for any Officer of Excise, or for the Occupier of the Land where he shall be so found, or for any Owner or Proprietor of or any Person having any Estate whatsoever in the same Lands, whether in Possession, Remainder, Reversion, or future Interest, or for any Person having a Certificate then in force, producing the same, to demand and require from the Person so using such Gun, Dog, Net, or Engine as aforesaid to produce and show a Certificate issued to him under this Act, and then in force; and every such Person shall, upon such Demand and Requisition as aforesaid, produce such Certificate to the Person so requiring and demanding the same, and shall furnish the same to be inspected accordingly; and if any such Person shall wilfully refuse to produce and show a Certificate then in force, or shall decline to produce or show the same, or shall refuse, on being required so to do, to give and declare his Name and Surname, and the Place of his Residence, or shall give or declare any false or fictitious Name, Surname, or Place of Residence, every Person so offending shall forfeit Fifty Pounds; and it shall be lawful for the Officer of Excise, or Occupier of the Land where any Person shall be found, who shall, on Requisition and Demand as aforesaid, refuse to produce such Certificate, or who shall refuse to declare his Name and Surname, and Place of Residence, or for any other Person present at such Refusal, to apprehend the Person so refusing as aforesaid, and to convey him forthwith before any Justice of the Peace within whose Jurisdiction such Offence shall be committed; and such Justice shall proceed to the Conviction of such Offender, in the same Manner as if such Offender had been summoned to appear before any Justice or Justices on Information for such Offence.

Penalty.

So much of 55 G. 3. c. 100. as relates to Game Certificates repealed.

IX. And be it enacted, That from and after the passing of this Act so much of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to provide for the Collection and Management of Stamp Duties payable on Bills of Exchange, Promissory Notes, Receipts, and Game Certificates in* Ireland, as relates in any Manner to Game Certificates, or the Duties thereon, shall be and the same is hereby repealed.

This Act not to repeal or alter the Provisions of 7 & 8 G. 4. c. 49.

X. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to repeal, alter, or affect any of the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act to exempt Persons who have procured Game Certificates in* Great Britain *from the Duty on Game Certificates in* Ireland, *and to authorize Persons who have paid Duty on Game Certificates in* Ireland *to kill Game in* Great Britain, *upon paying the additional Duty only.*

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

Certificate of a Person not a Gamekeeper.

IRELAND.

WE and being the Supervisor and Officer of Excise [*or* we and being Officers of Excise] authorized by the Commissioners of Excise to grant Certificates for killing Game, do hereby certify, under the Authority and in pursuance of an Act passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to transfer the Collection and Management of the Duties on Certificates to kill Game in Ireland to the Commissioners of Excise," that having a Residence at within the County of and having paid the Sum of Three Pounds Three Shillings, is hereby authorized to kill Game. This Certificate to be in force until the Fifth Day of July One thousand eight hundred and

Dated this Day of One thousand eight hundred and

Certificate of a Gamekeeper.

IRELAND.

WE and being the Supervisor and Officer of Excise [*or* we and being Officers of Excise] authorized by the Commissioners of Excise to grant Certificates to kill Game, do certify, under the Authority and in pursuance of

of an Act passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to transfer the Collection and Management of the Duties on Certificates to kill Game in Ireland to the Commissioners of Excise," that having registered with Supervisor of Excise, a Deputation, whereby he is appointed Gamekeeper by of the Lands and Tenements of mentioned in the said Deputation, and within the District of the said Supervisor, and having paid the Sum of Three Pounds Three Shillings, is hereby authorized to act under the said Deputation, and to kill Game. This Certificate to be in force until the Day of One thousand eight hundred and

Dated this Day of One thousand eight hundred and .

CAP. LXXXII.

An Act to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five. [5th *August* 1842.]

'Most Gracious Sovereign,

'WHEREAS it is expedient to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and for 'that Purpose to repeal certain of the Stamp Duties now payable in *Ireland*, and to grant others 'in lieu thereof, towards raising the necessary Supplies to defray Your Majesty's public Expences, and 'making an Addition to the public Revenue: We, Your Majesty's most dutiful and loyal Subjects, have 'therefore freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and 'Duties herein-after mentioned, and do most humbly beseech Your Majesty that it may be enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the Duties granted and made payable upon Gold and Silver Plate wrought, made, or manufactured in *Ireland*, by an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to grant to His Majesty certain Inland Duties of Excise and Taxes in* Ireland, *and to allow certain Drawbacks in respect thereof, in lieu of former Duties of Excise, Taxes, and Drawbacks;* and the Duties granted and made payable upon or in respect of Licences to Persons to sell or make Gold or Silver Plate in *Ireland* by an Act passed in the Fifty-fifth Year of the said King's Reign, intituled *An Act to grant certain Duties of Excise upon Licences for the Sale of Spirituous and other Liquors by Retail, and upon Licences to Persons dealing in Exciseable Commodities, in* Ireland, *in lieu of the Stamp Duties payable upon such Licences; and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences; and to discourage the immoderate Use of Spirituous Liquors, in* Ireland; and also all the Duties now payable in *Ireland* granted by an Act passed in the Fifty-sixth Year of the said King's Reign, intituled *An Act to repeal the several Stamp Duties in* Ireland, *and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof; and to make more effectual Regulations for collecting and managing the said Duties;* and also the Duties upon any Transfer, Assignment, or Reconveyance of any Mortgage in *Ireland*, and upon certain Promissory Notes issued by the Governor and Company of the Bank of *Ireland*, or by any Banker or Bankers in *Ireland*, granted by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to reduce the Stamp Duties on Reconveyances of Mortgages, and in certain other Cases; and to amend an Act of the last Session of Parliament, for removing Doubts as to the Amount of certain Stamp Duties in* Great Britain *and* Ireland *respectively;* and also the Composition for the Duties on Promissory Notes issued by any Banker or Bankers upon unstamped Paper, granted by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to enable Bankers in* Ireland *to issue certain unstamped Promissory Notes, upon Payment of a Composition in lieu of the Stamp Duties thereon*, shall cease and determine, save and except such of the said Duties and Composition for Duties, or so much and such Parts thereof respectively, as shall then have become due or payable, and shall remain in arrear and unpaid, and save and except so much and such Part or Parts as shall remain to be paid of any Duties in respect of Legacies given by way of Annuity, or so that the Value thereof cannot be ascertained at once, where Part of such Duties shall then have been paid or have become payable, and save and except also the Duties chargeable under the said Act of the Fifty-sixth Year of the Reign of King *George* the Third, upon or in respect of any Certificate of having registered a Deputation as a Gamekeeper, and also upon or in respect of any Certificate to authorize any Person not being a Gamekeeper to kill Game in *Ireland*.

Repeal of Duties on Gold and Silver Plate granted by 47 G. 3. c. 18.; and on Licences to deal in Plate granted by 55 G. 3. c. 19.; and on Deeds, &c. by 56 G. 3. c. 56.; and on Transfer of Mortgages, and on Bankers Notes, granted by 3 G. 4. c. 117.; and on Composition for the Duties on Bankers Notes granted by 9 G. 4. c. 80.

II. And be it enacted, That (save and except for or in respect of the Articles, Matters, and Things mentioned or specified in the Schedule to this Act annexed,) there shall be granted, raised, levied, collected, and paid, in *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, in lieu of the Duties and Composition for Duties hereby repealed, the several Sums of Money, and Duties and Composition for Duties, following; (that is to say,) for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described, *mutatis mutandis*, in the Schedule to an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in* Great Britain; *and for granting other Duties in lieu thereof*, (except those standing under the Head of Exemptions,)

New Duties.

On Deeds, &c. the same as in England granted by 55 G. 3. c. 184.

Exemptions,) or for or in respect of all Instruments, Articles, Matters, and Things of the like Nature, Kind, and Description, respectively, in *Ireland*, or of the Vellum, Parchment, or Paper upon which such Instruments, Articles, Matters, and Things, or any of them, shall be written or printed, such and the like Duties as by or under the said last-mentioned Act, or by or under any subsequent Act, are now payable in *England* for or in respect of the said Instruments, Articles, Matters, and Things respectively mentioned, enumerated, and described in the said Schedule to the said Act of the Fifty-fifth Year of the Reign of King *George* the Third annexed, or for or in respect of the Vellum, Parchment, or Paper whereon such Instruments, Articles, Matters, or Things respectively are written or printed; and also for and in respect of Plate of Gold and Silver made or wrought in *Ireland*, the several Duties or Sums of Money respectively by another Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in* Great Britain; *and for granting new Duties in lieu thereof*, granted for or in respect of Plate of Gold and Silver respectively made or wrought in *Great Britain;* and also for or in respect of Licences to Persons to sell or make Gold or Silver Plate in *Ireland*, the several Duties or Sums of Money respectively by an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act to repeal the Duties of Excise payable in* Great Britain, *and to grant other Duties in lieu thereof*, granted for and upon Licences to Persons trading in, vending, or selling Gold or Silver Plate; and also for and in respect of the Promissory Notes on unstamped Paper issued by any licensed Banker in *Ireland*, or such Notes of such Banker in Circulation, the same Composition as is payable by Bankers in *England* in pursuance of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to enable Bankers in* England *to issue certain unstamped Promissory Notes and Bills of Exchange, upon Payment of a Composition in lieu of the Stamp Duties thereon*, and that the said Schedule annexed to the said first-mentioned Act passed in the Fifty-fifth Year of the Reign of King *George* the Third shall, for the Purposes of this Act, be read and taken and considered as if the same was annexed to and was a Part of this Act, and all the Instruments, Articles, Matters, and Things (except as aforesaid) therein mentioned, enumerated, and described respectively were, *mutatis mutandis*, mentioned, enumerated, and described as Instruments, Articles, Matters, and Things in or relating to *Ireland*, and not in or relating to *Great Britain* or *England;* and that wherever in the said Schedule the Words "United Kingdom," "United Kingdom of *Great Britain* and *Ireland*," "in *Great Britain*," "in *England*," "at *Westminster*," or "in *Doctors Commons*," are used, the Word "*Ireland*," or the Words "in *Ireland*," as the Case may be or require, shall be substituted and read in lieu thereof, save and except where any of such Words in the said Schedule shall be consistent with the Object and true Intent and Meaning of this Act, and shall be applicable to the Purposes thereof: Provided always, that the Duties on Policies of Insurance from Loss or Damage by Fire, and the yearly Per-centage Duties for and in respect of such Insurances, not expressly exempted from Duty, shall be charged and paid respectively upon and for and in respect of all such Policies and such Insurances in *Ireland* as shall or may be granted and made by any Person licensed, or who ought to be licensed, in pursuance of any Act of Parliament for that Purpose, and upon and for and in respect of all and every Policy and Insurance respectively that can or may and shall be lawfully granted or made in *Ireland* by any Corporation, Company, or Person, whether licensed or not: Provided always, that where any Deed or other Instrument mentioned or described in the said Schedule, or in the said Act passed in the Third Year of the Reign of King *George* the Fourth, is declared to be exempt from *ad valorem* Duty, by reason of the Payment for or in respect of any other Deed or Instrument of any *ad valorem* Duty specified in the said Schedule, or granted by any former Act, such Exemption shall be deemed to extend in like Manner to all Deeds and Instruments of the same Description executed after the Commencement of this Act, in all Cases where any *ad valorem* Duty of the like Kind respectively granted by the said Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, or any Act in that Behalf therein mentioned, or this Act, shall have been paid for or in respect of any such other Deed or Instrument: Provided also, that in the Cases of Sub-sales mentioned in the said Schedule under the Head "Conveyance," the Sub-purchasers, and the Persons immediately selling to them, shall be deemed and taken to be Purchasers and Sellers within the Intent and Meaning of the Provisions and Regulations of the said Act passed in the Fifty-sixth Year of the Reign of King *George* the Third: Provided also, that nothing herein or in the said Schedule contained shall exempt, or be deemed to exempt, from any of the Duties hereby charged, any of the Bills or Promissory Notes of the Bank of *Ireland*, except under or by virtue of any Contract or Agreement authorized by the Laws in force to be made between the Governor and Company of the said Bank and the Commissioners of Her Majesty's Treasury in that Behalf: Provided also, that nothing in this Act contained shall be deemed or construed to make payable in *Ireland* any of the Duties or Sums of Money specified and set forth in the said Schedule annexed to the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, which shall have been repealed, or shall have ceased to be payable in *England;* and that in all Cases where any of the said Duties have been repealed, and any reduced or other Duties have been granted and are now payable in lieu thereof, under or by virtue of any subsequent Act, such last-mentioned Duties shall be deemed to be and shall be the Duties payable and to be paid in *Ireland* for and in respect of the Articles, Matters, and Things to which the same shall respectively relate: Provided also, that the Releases and other Conveyances of Annuities or Rent-charges made in the original Grant thereof subject to be redeemed or re-purchased, shall on the Re-conveyance thereof be exempted from the *ad valorem* Duty imposed

On Gold and Silver Plate the same as by 55 G. 3. c. 185.

On Licences to deal in Plate the same as by 43 G. 3. c. 69.

On Composition for Bankers Notes the same as by 9 G. 4. c. 23.

The Duties on Fire Insurance to be charged on Policies granted by Persons licensed in Ireland.

Exceptions not to extend to Bills or Notes of the Bank of Ireland.

Duties in England repealed not to be charged in Ireland, and Duties in lieu to be payable in Ireland.

Releases and Conveyances of Annuities, &c. exempted from

imposed on Conveyances on the Sale of Property by the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, and the said Schedule thereto annexed, and shall be charged only with the ordinary Duty on Deeds or Instruments of the like Kind not upon a Sale. ad valorem Duty on Re-purchase.

III. Provided always, and be it enacted, That Indentures or other Instruments of Apprenticeship in *Ireland*, where there shall be no such Consideration as in the Schedule to the said Act of the Fifty-fifth Year of the Reign of King *George* the Third is mentioned, exceeding in Amount or Value the Sum of Ten Pounds, moving to the Master or Mistress, and all Assignments of such Indentures as aforesaid, provided there shall be no such Consideration exceeding the Amount or Value aforesaid moving to the new Master or Mistress, shall be exempt from all Stamp Duty: Provided always, that nothing herein contained shall extend or be construed to extend to exempt from Stamp Duty any Articles of Clerkship to Attornies or others, which are specifically charged in the said Schedule. Indentures of Apprenticeship, where the Premium does not exceed 10*l.*, exempted from Stamp Duty.

IV. Provided also, and be it enacted, That no Licence for Marriage in *Ireland*, if not special, shall be liable to any Stamp Duty. Marriage Licences exempt.

V. And be it enacted, That so much of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter certain Duties of Stamps and Taxes, and to regulate the Collection thereof*, as exempts from Stamp Duty all Deeds, Bonds, Agreements, or other Instruments made and executed in *Ireland*, whereby any Person or Persons shall become bound or agree to submit any Matter in dispute to Arbitration, and also all Awards made in pursuance of any such Submission as aforesaid, shall be and the same is hereby repealed, so far as relates to any such Submission as aforesaid, and to any Award thereupon, where the Matter in dispute shall be of the Amount or Value of Twenty Pounds or upwards. Exemption of Arbitration Agreements and Awards granted by 5&6W.4. c.64. s.1. limited.

VI. And be it enacted, That from and after the Commencement of this Act, in lieu and instead of certain other of the Duties by this Act repealed, there shall be granted, raised, levied, collected, and paid, in *Ireland*, unto and for the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Articles, Matters, and Things mentioned, enumerated, and described in the Schedule to this Act annexed, (except those standing under the Head of "Exemptions,") the several Sums of Money and Duties respectively inserted, described, and set forth in Words and Figures against the same respectively in the said Schedule; and that the said Schedule, and every Clause, Regulation, Matter, and Thing therein respectively contained, shall be deemed, taken, and considered as Part of this Act. Duties granted as specified in Schedule annexed.

VII. And be it enacted, That all the several Duties and Composition for Duties by this Act granted and made payable shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being, and the said Duties shall be denominated and deemed to be Stamp Duties, and, except as herein-after is mentioned, all Monies to arise from such Duties and Composition for Duties shall be paid into the Receipt of Her Majesty's Exchequer in *Dublin*, and be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, or for the Commissioners of Her Majesty's Treasury, out of the Duties arising by this Act or any other Act relating to Stamp Duties, to cause such Sums of Money to be expended and paid from Time to Time, for Salaries or other incidental Charges, as shall be necessary in and for the collecting and managing of all such Duties: Provided always, that such and the like Discounts or Allowances and Drawbacks as are now authorized by Law to be made, allowed, or paid in *England*, in respect of the Stamp Duties aforesaid, or any of them in force there, shall, so far as the same shall be applicable, be made, allowed, and paid in *Ireland* in respect of the Duties by this Act granted: Provided also, that all such Duties, Discounts, Allowances, and Drawbacks, and all Sums of Money in respect or by or according to the Amount whereof the same are imposed or directed to be ascertained, shall be paid and payable, and be deemed and taken to be, and shall be computed, in the Currency of the United Kingdom. Duties shall be under Management of Commissioners of Stamps, &c. Salaries and Charges to be paid thereout. The present Discounts, &c. to be allowed.

VIII. And be it enacted, That the Commissioners of Stamps and Taxes shall cause to be kept a distinct Account of the Sum of Ten Pounds, Part of the Duty of Twenty-five Pounds hereby granted on the Admission of any Student into the Society of *King's Inns*, and of Fifty Pounds on the Admission of any Person to the Degree of a Barrister in the Inns of Court, and of the Sum of Fourteen Pounds, Part of the Duty of One hundred and twenty Pounds also hereby granted upon the Indenture or Articles binding an Apprentice or a Clerk to an Attorney, and that the Receiver General of Stamp Duties shall pay the same at the Receipt of Her Majesty's Exchequer in *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being shall cause the said respective Parts of the said respective Duties of Twenty-five Pounds, and Fifty Pounds, and One hundred and twenty Pounds, to be paid to the Treasurer of the said Society of *King's Inns*, to be applied by him in such Manner as shall be directed by the said Society. Accounts of Part of certain Duties on the Admission of Students to the Inns of Court, &c. to be kept separate, and such Part paid over to the Treasurer.

IX. And be it enacted, That the Commissioners of Stamps and Taxes shall from Time to Time provide proper and sufficient Stamps or Dies for expressing and denoting the several Duties hereby granted, or the Amount thereof, in the Case of Per-centage Duties, (except those on Legacies and Successions to Personal Estate, and the yearly Duties on Fire Insurances,) upon the Vellum, Parchment, or Paper chargeable therewith, and for expressing and denoting the Rate *per Centum* of the Legacy Duties upon the Receipts and Discharges to be given for Legacies and Shares of Personal Estate, and for otherwise denoting or testifying the Payment of any Duty or Duties hereby granted; and it shall be lawful for the said Commissioners to alter and renew such Stamps or Dies from Time to Time as Occasion shall require, and to destroy or efface all or any Dies which shall be or become useless or unnecessary; and it shall also Commissioners to provide Dies for denoting the Duties.

also be lawful for the said Commissioners to use any Stamps or Dies at any Time heretofore provided to denote any former Duties in *Ireland*, for the Purpose of expressing and denoting any of the Duties granted by this Act of the same Amount, and also to use Two or more Stamps or Dies for the Purpose of denoting the Amount of any One Duty, as Occasion may require: Provided always, that no Die appropriated to denote the Duty charged on any particular Description of Deed or Instrument, by bearing the Name of such Deed or Instrument on the Face thereof, shall be used for denoting any Duty on any other Instrument, or, if so used, the same shall be of no avail.

Powers and Provisions of former Acts to extend to this Act.

X. And be it enacted, That all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, in force in *Ireland* at the Time of the passing of this Act, and contained in or imposed by the several Acts of Parliament relating to the Duties hereby repealed, and the several Acts relating to any prior Duties of the same Kind or Description, shall be of full Force and Effect with respect to the Duties hereby granted, and to the Vellum, Parchment, and Paper, Instruments, Matters, and Things, charged or chargeable therewith, as far as the same are or shall be applicable in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, for the raising, levying, collecting, paying, accounting for, and securing of the said Duties hereby granted, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Duties hereby granted.

Paper stamped for Duties granted by former Acts may be used for Deeds or Instruments requiring Stamps of like Amount under this Act.

XI. And be it enacted, That it shall be lawful for the Commissioners of Stamps and Taxes to issue any Vellum, Parchment, or Paper, which shall have been stamped for denoting any Stamp Duty granted or payable in *Ireland* by or under any Act in force immediately before the passing of this Act, to be used for any Deed or Instrument hereby charged with any Duty or Duties of the same Amount, and to cause any such Vellum, Parchment, or Paper to be stamped with any additional Stamp or Stamps, and thereupon to issue the same to be used for any Deed or Instrument charged with the Amount of Duty denoted by the Stamps impressed on such Vellum, Parchment, or Paper; and it shall be lawful for all Persons having in their Possession any Vellum, Parchment, or Paper, having any Stamp thereon denoting any Duty granted or payable by or under any such Act as aforesaid, and not already made use of, to use the same for any Deed or Instrument charged or chargeable by this Act with any Stamp Duty of the same Amount; provided that no Vellum, Parchment, or Paper bearing a Stamp appropriated by Name to any particular Description of Deed or Instrument shall be used or applied for any Purpose other than that to which such Stamp shall be so appropriated, or if so used the same shall be of no avail; and it shall also be lawful for all Persons having in their Possession any stamped Vellum, Parchment, or Paper not made use of, and which by the Operation of this Act shall have been or shall be rendered useless or inapplicable for the Purposes for which the same was originally designed, to send the same to the Head Office for Stamps in *Dublin*, at any Time within Twelve Calendar Months next after the Commencement of this Act; and it shall be lawful for the Commissioners of Stamps and Taxes, or for any authorized Officer of Stamp Duties, to cause the Stamps upon such Vellum, Parchment, or Paper to be cancelled, and to deliver out in lieu thereof other Stamps of equal Value in the whole to the Stamps so cancelled, or otherwise, at their Discretion, to cause such Vellum, Parchment, or Paper to be stamped with any additional Stamp or Stamps, so as to make up the full Amount of the Duty charged by this Act, on Payment of the Duty denoted by such additional Stamps.

Stamped Paper &c. rendered useless by this Act may be exchanged, or have additional Stamps, as herein mentioned.

The Penalty payable on stamping any Deed, &c. to be the same in Ireland as in England.

XII. 'And whereas the Penalties payable on stamping Deeds and Instruments chargeable with Stamp 'Duty in *Ireland* are in many Cases of greater Amount than such as are payable in *England* in Cases of 'the like Kind, and it is expedient that they should be of equal Amount in all Cases;' be it therefore enacted, That in every Case where a Penalty is now by Law payable in *Ireland* on stamping any Deed or Instrument of any Description, such Penalty shall, from and after the Commencement of this Act, be in Amount the same as any Penalty or Penalties by Law payable in *England* on stamping any Deed or Instrument of the like Description, in lieu and instead of the Penalty or Penalties in that Behalf now payable in *Ireland*; any thing herein-before or in any other Act contained to the contrary thereof in anywise notwithstanding.

All Bonds, &c. for securing the Payment of former Duties to remain in force in respect of the new Duties.

XIII. And be it enacted, That all Bonds and Securities made or given by any Officer or other Person whatever before the passing of this Act, for the duly accounting for or paying any Duty or Duties by this Act repealed, or any Composition in lieu thereof by this Act also repealed, or otherwise relating thereto respectively, shall remain and continue in full Force and Effect for securing the due accounting for and Payment of the Duties and Compositions of the same Kind and Description respectively by this Act granted or imposed in lieu of the Duties and Compositions hereby repealed, and mentioned or referred to in such Bonds or Securities respectively, as well as any of such last-mentioned Duties and Compositions in respect whereof such Bonds and Securities shall have been made or given, which shall have accrued or been received, or shall hereafter accrue or be received; and such Bonds and Securities respectively shall be deemed to have been made and given in relation to such new Duties and Compositions, as well as to the former Duties and Compositions: Provided nevertheless, that it shall be lawful for the Commissioners of Stamps and Taxes, or their proper Officer, at any Time, if they or he shall think proper, and from Time to Time as often as they or he shall think fit, to require any Person who may have given any such Bond or Security to make and execute or give a fresh Bond or Security of the like Kind or Description in respect of the Duties or Compositions by this Act granted, under the like Pains, Penalties, Forfeitures, and Disabilities for any Refusal to make and execute or give such fresh Bond or Security as are

New Bonds may be required.

contained

contained in any Act under or by virtue of or in compliance with which any such former Bond or Security may have been given.

Certificates and Licences to continue in force.

XIV. And be it enacted, That nothing in this Act contained shall be deemed or construed to revoke or annul any Certificate or Licence which, before the Commencement of this Act, shall have been granted to any Person to practise any Profession, or to use or exercise any Trade, Business, Occupation, or Calling, but that every such Certificate and Licence respectively which shall be unexpired and in force at the Time of the Commencement of this Act shall remain and continue in full Force and Operation until the Expiration thereof by Effluxion of Time; any thing in this Act contained to the contrary notwithstanding.

Every Notary Public in Ireland to deliver a Note containing his Place of Abode, &c. to the Stamp Office in Dublin, and take out a Certificate yearly.

XV. And be it enacted, That every Person who shall act as a Notary Public in *Ireland* shall annually, before he shall so act, deliver or cause to be delivered to the proper Officer at the Stamp Office in *Dublin* a Paper or Note in Writing containing the Name and usual Place of Residence of such Person, and stating whether he has been admitted or enrolled, or authorized to act or has acted, as a Notary Public Three Years or not; and thereupon, and upon Payment of the Duty which shall then be by Law imposed upon him in respect of such Certificate as is herein mentioned, according to the Place of his Residence, and the Time he shall have been admitted or enrolled, or authorized to act or has acted, as a Notary Public, as stated in such Paper or Note, every such Person shall be entitled to a Certificate, duly stamped, to denote the Payment of the said Duty by him, describing him in such Certificate according to the Description contained in the said Note so given in by him, which Certificate the Commissioners of Stamps and Taxes, or their proper Officer, shall cause to be forthwith issued under the Hand of such Officer, in such Manner and Form as the said Commissioners shall devise; and every such Certificate shall bear Date on the Day on which the same shall be issued, and shall be in force from such Day until the Twenty-fifth Day of *March* next following; and if any Person required by this Act to obtain such annual Certificate as aforesaid shall, after the Twenty-fifth Day of *March* One thousand eight hundred and forty-three, act as a Notary Public, or do or perform any notarial Act whatever, without having obtained and having such Certificate then in force, he shall forfeit for every such Offence the Sum of Fifty Pounds, and be incapable of maintaining any Action or Suit in any Court of Law or Equity for the Recovery of any Fee, Reward, or Disbursement on account of any Business done by him as a Notary Public without having such Certificate.

Penalty for acting without a Certificate, 50*l*.

Any Notary, &c. delivering in a false Note as to his Residence, &c. with Intent to evade the higher Duties, to forfeit 50*l*.

What shall be deemed a Residence within the Limits requiring the higher Duties.

XVI. And be it enacted, That if any Notary Public, or any Attorney, Solicitor, Proctor, Agent, or Procurator, or any Sworn Clerk, Clerk in Court, or other Clerk or Officer required by Law to take out an annual Certificate, shall deliver in, or cause to be delivered in, to the Commissioners of Stamps and Taxes, or to their Officer, at the Stamp Office in *Dublin*, any Paper or Note in Writing containing a Place of Residence as the Place of his Residence, contrary to the Directions of this Act, or any other Act requiring the same, or which shall not be the true Place of his Residence within the Intent and Meaning of this Act, or containing any Statement, Matter, or Thing which shall not be true, with Intent to evade the Payment of the higher Duty by this Act granted on Certificates to be taken out by Attornies and others, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds: Provided always, that, to prevent Evasion of such higher Duties, if any Person required to obtain any such Certificate shall ordinarily carry on his Business within the City of *Dublin*, or within the Distance of Three Miles therefrom, or shall, for the Space of Forty Days or more in any One Year, reside within the Limits aforesaid, every such Person shall be deemed to be resident within such Limits within the true Intent and Meaning of this Act, and shall be liable to the higher Duties hereby imposed on such Certificates, notwithstanding he may at other Times in such Year reside elsewhere without the Limits aforesaid; and provided that any Certificate taken out by any Person as aforesaid chargeable with or upon Payment of a lower Duty than is hereby required or ought to be paid shall not be deemed to be a Certificate within the Meaning of this or any other Act, but the same shall be null and void.

Commissioners may license Pawnbrokers and Appraisers.

No Person to trade as a Pawnbroker or Appraiser without Licence.

Date and Continuance of Licences.

Pawnbrokers trading without Licence to forfeit 50*l*.

Who deemed Pawnbrokers.

Not to extend to Persons who

XVII. And be it enacted, That it shall be lawful for the Commissioners of Stamps and Taxes, or for any Person duly authorized by them for that Purpose, upon Payment of the Duty by this Act imposed in respect thereof, to grant Licence to any Person to use or exercise the Trade or Business of a Pawnbroker in any City, Town, or Place in *Ireland*, or the Calling or Occupation of an Appraiser in *Ireland*; and it shall not be lawful for any Person whatever, from and after the Commencement of this Act, to use or exercise the Trade or Business of a Pawnbroker, or the Calling or Occupation of an Appraiser, in *Ireland*, without having a Licence in force authorizing him so to do, within the Intent and Meaning of this Act; and every such Licence which shall be granted at any Time after the Thirty-first Day of *July* and before the First Day of *September* in the present or any subsequent Year shall be dated on the First Day of *August* in the Year in which the same shall be granted; and every such Licence which shall be granted at any other Time than last aforesaid shall be dated on the Day on which the same shall be actually granted; and every such Licence, whatever may be the Date thereof, shall have Effect and be in force from the Day of the Date thereof until and upon the Thirty-first Day of *July* then next following, and shall then cease and determine; and if any Person, not having a Licence in force so to do, granted under this Act, shall receive or take by way of Pawn, Pledge, or Exchange any Goods or Chattels for the Repayment of Money lent thereon in *Ireland*, he shall forfeit for every such Offence the Sum of Fifty Pounds; and all Persons in *Ireland* who shall receive or take by way of Pawn, Pledge, or Exchange any Goods or Chattels for the Repayment of Money lent thereon shall respectively be deemed Pawnbrokers within the Meaning of this Act, and shall take out a Licence for the same accordingly: Provided always, that nothing herein contained shall extend or be construed to extend to any

take Interest not exceeding 5*l.* per Cent.

any Person who shall lend Money upon Pawn at any Rate of Interest not exceeding Five Pounds *per Cent. per Annum* Interest, without taking any further or greater Profit for the Loan or Forbearance of such Money lent on any Pretence whatever.

Pawnbroker to keep One House only under One Licence.

XVIII. And be it enacted, That no Pawnbroker or other Person receiving or taking by way of Pawn, Pledge, or Exchange any Goods or Chattels for the Repayment of Money lent thereon, licensed by Authority of this Act, shall by virtue of One Licence keep more than One House, Shop, or other Place for taking in Goods or Chattels to pawn, but for each and every House, Shop, or other Place which any Person shall keep for the Purpose aforesaid a separate and distinct Licence shall be taken out and paid for by such Pawnbroker or other Person: Provided always, that Persons in Partnership, and carrying on the Trade and Business of a Pawnbroker in One House, Shop, or Tenement only, shall not be obliged to take out more than One Licence in any One Year for the carrying on of such Trade or Business.

Partners to take out One Licence only.

Powers and Provisions of 46 G. 3. c. 43., relating to Duties on Appraisements and Licences to Appraisers in Great Britain, to apply to the like Duties in Ireland.

XIX. 'And whereas by an Act passed in the Forty-sixth Year of the Reign of King *George* the Third, 'intituled *An Act for granting to His Majesty certain Stamp Duties on Appraisements and on Licences to Ap-* 'praisers in Great Britain, certain Stamp Duties in *Great Britain* were granted for and upon every Skin or 'Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Valuation or Appraisement, 'or the Amount of any Valuation or Appraisement therein mentioned, should be written or set down, and 'whereon any Licence of any Appraiser should be written, and Provisions were contained therein for 'securing such Duties; and it is necessary that the like Provisions should be made for securing the Duties 'by this Act granted in respect of Appraisements or Valuations and of Licences to Appraisers;' be it therefore enacted, That all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in and imposed by the said last-mentioned Act relating to Valuations or Appraisements and Licences to Appraisers in *Great Britain*, and to the Duties thereon respectively, and to Appraisers in *Great Britain*, shall be of full Force and Effect with respect to Appraisements or Valuations and Licences to Appraisers in *Ireland*, and to the Duties thereon respectively by this Act granted, and to the Vellum, Parchment, and Paper charged therewith, and to Appraisers in *Ireland*, as far as the same are or shall be applicable, in all Cases not otherwise provided for by this Act, or by any other Act the Provisions whereof are hereby directed to be observed in relation to the Duties by this Act granted, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties on Appraisements and on Licences to Appraisers in *Ireland* hereby granted and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to such Persons, Duties, Matters, and Things in *Ireland* respectively.

Licences to deal in Stamps, and to keep Printing Presses in Ireland, to be permanent.

XX. 'And whereas the said Commissioners are authorized to grant Licences to Persons to deal in and 'retail Stamps in *Ireland*, and also to Persons to keep Printing Presses and Types for printing in *Ireland*, 'all which Licences are required to be taken out annually, and are chargeable with Stamp Duties: And 'whereas after the passing of this Act the said Duties will cease and be no longer payable, and it is 'expedient that such Licences hereafter to be granted should not be required to be renewed annually;' be it therefore enacted, That it shall be lawful for the Commissioners of Stamps and Taxes, from and after the Commencement of this Act, to grant Licence to any Person to deal in and retail Stamps in *Ireland*, and also Licence to any Person to keep any Printing Presses and Types for printing in *Ireland*, in the like Manner and under the same Terms, Liabilities, Conditions, and Restrictions as they may now grant an annual Licence for any such Purpose as aforesaid; and every such Licence so to be granted shall continue in force until the same shall be revoked and made void, or be surrendered, or be determined by the Death of the Party to whom the same shall have been granted; and all the Powers, Provisions, Clauses, Regulations, and Directions, Forfeitures, Pains, and Penalties contained in any Act or Acts of Parliament, and now in force, relating to any such annual Licences as aforesaid, and to the Persons to whom the same are granted or authorized to be granted, shall be deemed to relate and shall relate to the Licences to be hereafter granted respectively, and to the Persons to whom the same shall be granted, and shall be observed, applied, enforced, and put in execution accordingly, as if such Powers, Provisions, Clauses, Regulations, Directions, Forfeitures, Pains, and Penalties had been herein repeated and specially enacted with reference to such Licences and Persons respectively; provided that it shall be lawful for the said Commissioners, by Notice in Writing, at any Time to revoke, annul, and make void any such Licence as aforesaid.

55 G. 3. c. 101. as to Sea Insurances, recited.

XXI. 'And whereas under a certain Act passed in the Fifty-fifth Year of the Reign of King *George* 'the Third, intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect to which* 'Licences may be granted by the Commissioners of Stamps in Ireland, the Duties which are now payable 'in *Ireland* to Her Majesty for and in respect of Sea Insurances are not denoted, as in *Great Britain*, by 'a stamped Impression upon the Policy or other Instrument of Insurance, but are paid in the first instance 'to the Underwriters or their Agents, and are accounted for by them to Her Majesty at stated Periods in 'each Year: And whereas it is expedient to alter the Mode of denoting and collecting such Duties, and 'in lieu thereof to provide as herein-after mentioned;' be it therefore enacted, That so much of the said last-recited Act as relates to the Duties upon Sea Insurances, and to the collecting and accounting for the same, shall be and the same is hereby repealed, save as to such of the said Duties as may be then due or unpaid, all which shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

Recited Act in part repealed.

XXII. And

Commissioners to provide stamped Policies of Sea Insurance, which may be purchased;

XXII. And be it enacted, That the Commissioners of Stamps and Taxes for the Time being shall, out of the Monies arising from the Duties under their Care and Management, from Time to Time provide sufficient Quantities of Vellum, Parchment, or Paper adapted for Policies of Sea Insurance, and shall cause to be printed thereon respectively the several Forms for blank Policies of Insurance commonly used, and such other Forms as they may think proper, and the same so printed to be duly stamped for expressing or denoting the Duties by this Act granted, in order that all Her Majesty's Subjects may buy the said Forms adapted for Policies of Insurance, respectively stamped with such Rate of Duty as they shall respectively require, of the Officers or Persons employed by the said Commissioners, at the Price of the said Duty marked thereon, without any Charge for such Vellum, Parchment, or Paper, or for printing the same; or, at their Election, may bring to the Head Office for Stamps in *Dublin* any Quantities of their own Vellum, Parchment, or Paper, to be stamped as aforesaid, on Payment of the Duty payable thereon; and the said Officers or Persons employed by the said Commissioners shall and they are hereby required to write or mark thereon the Day, Month, and Year when any such printed Vellum, Parchment, or Paper so stamped shall be delivered by them to be used as aforesaid; and if any Officer or Person employed by the said Commissioners shall wilfully neglect to do or perform any Matter or Thing herein-before required with relation to the said Policies of Sea Insurances he shall forfeit the Sum of One hundred Pounds, and shall be liable to be dismissed from his Office: Provided always, that the said Commissioners or Officers as aforesaid shall not be required to provide, at the public Charge, any Vellum or Parchment stamped as aforesaid, where the Sum to be insured thereon shall not amount to Five thousand Pounds or upwards.

or Vellum, &c. may be brought, and stamped, on Payment of Duty;

Penalty on Officers for Neglect.

Policies not to be provided under 5,000*l.*

Contract liable to Duty under this Act deemed a Policy of Insurance, &c.

XXIII. And be it enacted, That every Contract or Agreement which shall be made or entered into for any Insurance in respect whereof any Duty is by this Act made payable shall be ingrossed, printed, or written, and shall be deemed and called a Policy of Insurance; and that the Premium, or Consideration in the Nature of a Premium, paid, given, or contracted for upon such Insurance, and the particular Risk or Adventure insured against, together with the Names of the Subscribers and Underwriters, and Sums insured, shall be respectively expressed or specified in or upon such Policy, and in default thereof every such Insurance shall be null and void to all Intents and Purposes whatsoever.

No Ship Policy to be for more than a Year.

XXIV. And be it enacted, That no Policy of Insurance upon any Ship, or upon any Share or Interest therein, shall be made for any certain Term longer than Twelve Calendar Months, and every Policy which shall be made for any longer Term shall be null and void to all Intents and Purposes.

Alterations in the Terms of Policies may be made under certain Restrictions.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prohibit the making of any Alteration which may lawfully be made in the Terms or Conditions of any Policy of Insurance duly stamped as aforesaid, after the same shall have been underwritten, or to require any additional Stamp Duty by reason of such Alteration, so that such Alteration be made before Notice of the Determination of the Risk originally insured, and the Premium or Consideration originally paid or contracted for shall exceed the Rate of Ten Shillings *per Centum* on the Sum insured, and so that the Thing insured shall remain the Property of the same Person, and so that such Alteration shall not prolong the Term insured beyond the Period allowed by this Act, and so that no additional or further Sum shall be insured by reason or means of such Alteration.

No Insurance available in Law, unless properly stamped;

nor Vellum, &c. to be stamped after Contract thereon.

Policies of Mutual Insurance at Sea may be stamped with additional Stamps, if not underwritten to an Amount exceeding the Sum warranted by the former Stamps.

XXVI. And be it enacted, That no Insurance made or entered into in *Ireland*, in respect whereof any Duty is by this Act made payable, nor any Contract or Agreement for such Insurance as aforesaid, shall be pleaded or given in Evidence in any Court, or admitted in any Court to be good, useful, or available in Law or Equity, unless the Vellum, Parchment, or Paper on which such Insurance shall be ingrossed, printed, or written, shall be duly stamped, as by this Act is directed, to denote the Amount of Duty chargeable thereon, or some higher Amount of Duty; and it shall not be lawful for the said Commissioners, or any of their Officers, to stamp any Vellum, Parchment, or Paper with any Stamp by this Act directed to be used for denoting the said Duty on Sea Insurances at any Time after any such Insurance as aforesaid, or Contract for such Insurance, shall be ingrossed, printed, or written thereon, under any Pretence whatever: Provided always, that it shall be lawful for the said Commissioners or any of their Officers, whenever they shall be thereto required, to stamp with any additional Stamp any Vellum, Parchment, or Paper, which may have been previously stamped, upon which any Policy of Insurance, commonly called a Mutual Insurance, may have been ingrossed, printed, or written, whereby divers Persons insure or agree to insure one another, without any Premium or pecuniary Consideration, from any Loss, Damage, or Misfortune that may happen to any Ship or Vessel, or any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured, although such Policy may have been previously signed or underwritten by any Person or Number of Persons: Provided always, that at the Time when any such additional Stamp shall be required such Policy shall not have been signed or underwritten to an Amount exceeding the Sum which the Stamp previously impressed thereon will warrant.

Penalty on Persons making Insurance, &c. unless the Contract be properly stamped;

XXVII. And be it enacted, That every Person who shall make or effect, or knowingly procure to be made or effected, any Insurance on any Ship or Vessel, or on any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel, or shall give or pay, or agree to give or pay, or render himself liable to pay, any Sum of Money, Premium, or Consideration whatever in the Nature of a Premium, for or upon any such Insurance, or shall enter into any Contract or Agreement whatever for any such Insurance, unless the same Insurance, Contract, or Agreement respectively shall be ingrossed, printed, or written on Vellum, Parchment, or Paper duly stamped for denoting the full and proper Duty by Law chargeable thereon,

and Brokers, &c. acting therein, to forfeit 500*l.*

shall for every such Offence forfeit the Sum of Five hundred Pounds; and every Broker, Agent, Scrivener, or other Person negotiating or transacting any such Insurance as is herein-before mentioned, contrary to the true Intent and Meaning of this Act, or ingrossing, writing, or printing, or causing to be ingrossed, written, or printed, any Agreement for any such Insurance upon Vellum, Parchment, or Paper, before the same Vellum, Parchment, or Paper whereon the same shall be ingrossed, written, or printed shall be so duly stamped as aforesaid, shall also for every such Offence forfeit the Sum of Five hundred Pounds.

Brokerage, &c. not a legal Charge, unless the Insurance be properly stamped, &c.

XXVIII. And be it enacted, That it shall not be lawful for any Broker, Agent, Scrivener, or other Person, transacting, making, or negotiating any such Insurance as aforesaid, to charge or set against his Employer any Sum of Money for Brokerage or Agency, or for his Pains or Labour in transacting, making, or negotiating such Insurance, or ingrossing, writing, or printing the same, or for any Sum of Money expended or paid by way of Premium, or Consideration in the Nature of a Premium, for such Insurance, unless the same shall be ingrossed, written, or printed on Vellum, Parchment, or Paper duly stamped according to the Directions of this Act; and every Sum of Money paid by such Employer on any such Account to any Broker, Agent, Scrivener, or other Person aforesaid, transacting, making, or negotiating any Insurance contrary to this Act, shall be deemed to be paid without Consideration, and shall remain the Property of such Employer, or his Executors, Administrators, or Assigns.

Penalty on Assurers, unless Insurances be properly stamped, &c.

XXIX. And be it enacted, That if any Person shall become an Assurer upon, or shall subscribe or underwrite any such Insurance as aforesaid, or shall receive a Contract for any Premium or Consideration for any such Insurance, or shall pay or allow in account, or agree to pay or allow in account, or otherwise, any Sum of Money upon any Loss, Peril, or Contingency relating to any such Insurance, unless such Insurance shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper duly stamped as aforesaid, or if any Person shall be concerned in any fraudulent Contrivance or Device with Intent to evade the Duties by Law chargeable for or in respect of any Policy of Insurance, every such Person shall for every such Offence forfeit the Sum of Five hundred Pounds.

54 G. 3. c. 133.

XXX. ‘ And whereas by an Act passed in the Fifty-fourth Year of the Reign of King *George* the ‘ Third, intituled *An Act for better enabling the Commissioners of Stamps to make Allowances for spoiled ‘ Stamps on Policies of Insurance in* Great Britain, *and for preventing Frauds relating thereto,* certain ‘ Provisions are made for allowing as spoiled or misused and cancelling the Stamps on Policies of ‘ Sea Insurance in *Great Britain* in certain Cases, upon the Terms and Conditions therein mentioned, and ‘ it is expedient that the like Provisions should be made in respect of the Stamps on Policies of Sea ‘ Insurance in *Ireland*;’ be it therefore enacted, That it shall be lawful for the Commissioners of Stamps and Taxes to allow as spoiled or misused and to cancel Stamps on Policies of Sea Insurance in *Ireland*, in the same Cases and upon the same Terms and Conditions only as are mentioned and provided in the said last-mentioned Act in respect of Policies of Sea Insurance in *Great Britain*; and for such Purpose, and for the Purpose of preventing Frauds in relation thereto, all and every the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in the said last-mentioned Act, shall be of full Force and Effect with respect to the Stamps on Policies of Sea Insurance in *Ireland*, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially inserted with reference to such last-mentioned Stamps.

Allowance of spoiled Stamps on Sea Policies in Ireland as in Great Britain.

Provisions of 53 G. 3. c. 133. for that Purpose to extend to Ireland.

Bankers Notes may be re-issued as often as thought fit.

XXXI. And be it enacted, That it shall be lawful for any Banker who may by Law issue Promissory Notes for Money payable to the Bearer on Demand, and allowed by Law to be re-issued, to re-issue any such Promissory Notes made after the Commencement of this Act, and duly stamped with the Duties by this Act granted, from Time to Time after Payment thereof, as often as he shall think fit, without being liable to pay any further Duty in respect thereof, all which Promissory Notes shall be good and valid, and as available in the Law to all Intents and Purposes, as they were upon the first issuing thereof.

The Duty on a Lease for a Year, where not executed, shall be denoted on the Release; and no Lease for a Year to be Evidence, unless the Release be stamped accordingly.

XXXII. And be it enacted, That the Duty (except the progressive Duty) by this Act charged for and in respect of any Bargain and Sale or Lease for a Year shall, in every Case where no such Bargain and Sale or Lease shall be actually prepared and executed, be expressed and denoted upon the Release in which any such Bargain and Sale or Lease shall be mentioned or referred to; and no Recital of any Bargain and Sale or Lease for a Year in or upon any Deed of Release, which shall bear Date or be first executed by any Party thereto after the Commencement of this Act, shall be Evidence of any such Bargain and Sale or Lease for a Year having been made or executed, unless and until such Release shall be duly stamped or marked with the Stamp or Mark for expressing or denoting the Duty hereby charged for and in respect of such Bargain and Sale or Lease for a Year (except the progressive Duty), as well as with the Duty or Duties which such Release may be otherwise chargeable with; any thing in any Act or Acts to the contrary thereof in anywise notwithstanding.

Recital of 56 Geo. 3. c. 56. s. 99. as to Registry of Deeds.

XXXIII. ‘ And whereas by the said Act passed in the Fifty-sixth Year of the Reign of King *George* ‘ the Third it is enacted, that whenever any Deed or Instrument subject to any Stamp Duty shall ‘ be delivered for Registry to the Registrar or Deputy Registrar for registering Deeds in *Ireland*, ‘ or for Enrolment to any Office of any of the Superior Courts in *Dublin*, or to any Clerk of the Peace or ‘ other Person intrusted to enrol Deeds in *Ireland*, such Persons respectively shall examine such Deed, ‘ and the Stamp thereon; and if the same shall not be duly stamped such Persons respectively ‘ shall not suffer the same to be registered or enrolled, under the Penalty of Fifty Pounds: And ‘ whereas it is expedient to make other Provision respecting the Registry or Enrolment of Deeds or ‘ Instruments which shall be subject to progressive Duty under this Act;’ be it therefore enacted,

The Attorney to write on the

That before any Deed or Instrument subject to any Stamp Duty in *Ireland* under this Act shall be delivered

delivered to the Registrar of Deeds in *Ireland*, or either of the Assistant Registrars, for the Purpose of being registered, or to any Officer of the Superior Courts in *Dublin*, or to any Clerk of the Peace or other Person entrusted to enrol Deeds in *Ireland*, for the Purpose of being enrolled, the Attorney or other Person who shall be employed to draw or prepare such Deed or Instrument, or, if there shall be no such Attorney or other Person so employed, then one of the Parties to such Deed or Instrument, shall write upon some Part of such Deed or Instrument, and sign a Memorandum or Certificate, that the Words contained in such Deed or Instrument are less in Number than a certain Quantity therein specified, either in gross or in Folios of Seventy-two Words each; and if such Deed or Instrument shall then be stamped with the proper progressive Duty or Duties to which the same may appear to be liable according to such Memorandum or Certificate, it shall be lawful for such Registrar, Assistant Registrar, or Officer, Clerk of the Peace, or other Person, to suffer such Deed or Instrument to be registered or enrolled, notwithstanding the same may in fact contain a greater Quantity of Words than shall be specified in such Memorandum or Certificate; and such Registrar, Assistant Registrar, Officer, Clerk of the Peace, or other Person, shall not be subject or liable to the said Penalty of Fifty Pounds in respect thereof (provided such Deed or Instrument shall be duly stamped in other respects), any thing in the said Act contained to the contrary thereof notwithstanding; and if any Attorney or other Person shall write or sign any Memorandum or Certificate as aforesaid which shall specify any Quantity of Words which shall be less than the Quantity of Words contained in such Deed or Instrument, and in any Schedule, Receipt, or other Matter put or endorsed thereon or annexed thereto, with Intent to evade the Payment of any Duty to or with which such Deed or Instrument shall be liable, or charged or chargeable, he shall forfeit for every such Offence the Sum of Fifty Pounds.

Deed a Certificate of the Number of Words therein; and if the same be stamped according thereto, it may be registered.

Penalty for writing false Certificate, 50*l.*

XXXIV. And be it enacted, That it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their Officers, to stamp or mark any Vellum, Parchment, or Paper upon which any Bill of Lading, or any Charter-party, or any Agreement, Contract, Memorandum, Letter, or other Writing by this Act chargeable with any Duty as a Charter-party, shall be ingrossed, written, or printed, under any Pretence whatever, after the same shall be executed or signed by any Party, except as herein is provided; and if any Person shall make or sign any Bill of Lading which shall be ingrossed, printed, or written, or partly ingrossed or written and partly printed, upon Vellum, Parchment, or Paper not duly stamped according to Law, every such Person shall forfeit the Sum of Fifty Pounds: Provided always, that if any Charter-party, or any such Agreement, Contract, Memorandum, Letter, or other Writing chargeable with any Duty as a Charter-party, shall be brought to the Head Office of the said Commissioners in *England* or *Ireland*, or to any of their proper Officers, to be stamped, within Fourteen Days after the same shall bear Date, and shall have been executed or signed by the Party thereto who shall have first executed or signed the same, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped, upon Payment of the Duty chargeable thereon, without any Penalty; and if the same shall be brought to the said Head Office to be stamped at any Time after the Expiration of such Fourteen Days, and within One Calendar Month after the same shall bear Date, and shall have been first executed or signed as aforesaid, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped, upon Payment of the Duty chargeable thereon, and of the further Sum of Ten Pounds by way of Penalty.

Bills of Lading and Charter-parties not to be stamped after the signing, under Penalty of 50*l.*

But Charter-parties may be stamped upon Payment of the Duty, or Duty and Penalty, within certain limited Periods after the signing thereof.

XXXV. And for better securing the Duties on Probates of Wills and Letters of Administration by this Act granted, be it enacted, That from and after the Commencement of this Act if any Person shall take possession of and in any Manner administer any Part of the Personal Estate and Effects of any Person deceased, without obtaining Probate of the Will or Letters of Administration of the Estate and Effects of the Deceased within Six Calendar Months after his Decease, or within Two Calendar Months after the Termination of any Suit or Dispute respecting the Will or the Right to Letters of Administration, if there shall be any such, which shall not be ended within Four Calendar Months after the Death of the Deceased, every Person so offending shall forfeit the Sum of One hundred Pounds, and also a further Sum at and after the Rate of Ten Pounds *per Centum* on the Amount of the Stamp Duty payable on the Probate of the Will or Letters of Administration of the Estate and Effects of the Deceased.

Penalty for not proving Wills or taking out Letters of Administration 100*l.*, and 10*l.* per Centum on the Duty.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners of Stamps and Taxes and they are hereby required to provide a Stamp, distinguishable from all other Stamps, for the Purpose of stamping any Piece of Vellum, Parchment, or Paper, whereon any Probate of a Will or Letters of Administration shall be ingrossed, printed, or written in relation to any Estate in respect whereof any former Probate or Letters of Administration shall have been taken out, and the full Amount of the Duties payable thereon by any Act or Acts then in force, according to the full Value of such Estate, shall have been duly paid and discharged; and in every Case where any Probate or Letters of Administration shall have been taken out, duly stamped according to the full Value of the Estate in respect whereof the same shall have been granted, then and in such Case any further or other Probate or Letters of Administration which shall be at any Time thereafter applied for in respect of such Estate shall and may be issued and granted upon any Piece of Vellum, Parchment, or Paper stamped with the Stamp provided by the said Commissioners in pursuance of this Act, for such other Probate or Letters of Administration as aforesaid; and every such other Probate or Letters of Administration, which shall be duly stamped with such Stamp as last aforesaid, shall be as available in the Law, and of the like Force and Effect in all respects whatever, as if the Vellum, Parchment, or Paper whereon the same shall be ingrossed, printed, or written had been duly stamped with the Stamp denoting the full Amount of the Duties payable in respect of the Probate or Letters of Administration taken out on the full Value of such Estate.

Stamp to be provided for marking Probates, &c., relating to any Estate in respect whereof Probate, &c. shall have been before taken out and the proper Duty paid thereon.

XXXVII. And

Legacy Duty to be paid by Executors or Administrators on retaining or paying Legacies.

XXXVII. And be it enacted, That the Duties by this Act granted on Legacies and on Successions, and on Residues and Shares of Residues, given by the Wills or passing by the Intestacies of Persons deceased, and payable out of their Personal Estate, shall be accounted for, answered, and paid by the Person having or taking the Burden of the Execution of the Will or other testamentary Instrument, or the Administration of the Personal Estate of any Person deceased, upon Retainer for his own Benefit, or for the Benefit of any other Person, of any Legacy, or any Part of any Legacy, or of the Residue of any Personal Estate, or any Part of such Residue, which he shall be entitled so to retain, either in his own Right, or in the Right or for the Benefit of any other Person, and also upon Delivery, Payment, or other Satisfaction or Discharge whatsoever of any Legacy, or any Part of any Legacy, or of the Residue of any Personal Estate, or any Part of such Residue, to which any other Person shall be entitled; and in case any Person, having or taking the Burden of such Execution or Administration as aforesaid, shall retain for his own Benefit, or for the Benefit of any other Person, any Legacy, or any Part of any Legacy, or the Residue of any Personal Estate, or any Part of such Residue, which such Person shall be entitled so to retain, either in his own Right or in the Right or for the Benefit of any other Person, and upon which any Duty shall be chargeable by virtue of this Act, not having first paid such Duty, or shall deliver, pay, or otherwise howsoever satisfy or discharge any Legacy, or any Part of any Legacy, or the Residue of any Personal Estate, or any Part thereof, to which any other Person shall be entitled, and upon which any Duty shall be chargeable by virtue of this Act, having received or deducted the Duty so chargeable, then and in every such Case the Duty which shall be due and payable upon every such Legacy, and Part of Legacy, and Residue, and Part of Residue respectively, and which shall not have been duly paid and satisfied according to the Provisions of this Act, shall be a Debt of such Person having or taking the Burden of such Execution or Administration as aforesaid to Her Majesty, Her Heirs and Successors; and in case any such Person, so having or taking the Burden of such Execution or Administration as aforesaid, shall deliver, pay, or otherwise howsoever satisfy or discharge any such Legacy or Residue, or any Part of any such Legacy or Residue, to or for the Benefit of any Person entitled thereto, without having received or deducted the Duty chargeable thereon (such Duty not having been first duly paid, according to the Provisions herein contained), then and in every such Case such Duty shall be a Debt to Her Majesty, Her Heirs and Successors, both of the Person who shall make such Delivery, Payment, Satisfaction, or Discharge, and of the Person to whom the same shall be made; and that the Duties by this Act granted upon Legacies charged upon or made payable out of any Real Estate, or out of any Monies to arise by the Sale of any Real Estate, or upon Residues, or Parts or Shares of Residues, of any such Monies, shall be accounted for, answered, and paid by the Trustee to whom the Real Estate shall be devised out of which the Legacy or Share of any Money arising out of the Sale, Mortgage, or other Disposition of such Real Estate shall be to be paid or satisfied; or if there shall be no Trustee, then by the Person entitled to such Real Estate, subject to any such Legacy, or by the Person empowered or required to pay or satisfy any such Legacy; and the said Duties shall be retained by the Person paying or satisfying any such Legacy or Share of Money, and shall be accounted for, satisfied, and paid, at such Times, in such Manner, and according to such Rules and Regulations as are herein-before specified and prescribed in respect of the Duties granted on Legacies payable out of Personal Estate; and in case the said Duties shall not be paid or satisfied according to the Provisions herein contained, then and in every such Case such Duty shall be a Debt to Her Majesty, Her Heirs and Successors, of and from the Trustee of such Real Estate as aforesaid, or the Person entitled thereto, subject to such Legacy as aforesaid, and also of and from the Person to whom the same shall have been paid, without the Duty chargeable thereon having been first deducted.

If Duty be not paid although deducted by the Executor, the Amount to be a Debt to Her Majesty from Executor.

If not deducted by Executor, the Amount to be a Debt to Her Majesty from both Executor and Legatee.

Trustees to pay Duties on Legacies charged on Real Estate.

In default, the Duty to be a Debt to Her Majesty.

What shall be deemed a Legacy under this Act.

XXXVIII. And be it enacted, That every Gift by any Will or testamentary Instrument of any deceased Person, which, by virtue of any such Will or testamentary Instrument, shall have effect or be satisfied out of the Personal Estate of such Person so dying, or out of any Personal Estate which such Person shall have Power to dispose of as he shall think fit, or which shall have been charged upon or made payable out of any Real Estate, or be directed to be satisfied out of any Monies to arise by the Sale of any Real Estate, of the Person so dying, or which such Person may have the Power to dispose of, whether the same shall be given by way of Annuity or in any other Form, shall be deemed and taken to be a Legacy within the true Intent and Meaning of this Act; and every Gift which shall have effect as a Donation *mortis causâ* shall also be deemed a Legacy within the Intent and Meaning of this Act; and the Value of any Legacy given by way of Annuity, whether payable annually or otherwise, for any Life or Lives, or for Years or other Period of Time, shall be calculated, and the Duty chargeable thereon shall be charged, according to the Tables annexed to an Act passed in the Parliament of *Great Britain* in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act for repealing certain Duties on Legacies and Shares of Personal Estates, and for granting other Duties thereon, in certain Cases:* Provided always, that nothing herein contained shall be construed to extend to the charging with the Duties by this Act granted any specific Sum of Money, or any Share or Proportion thereof, charged by any Marriage Settlement or Deed upon any Real Estate, in any Case in which any such specific Sum, or Share or Proportion thereof, shall be appointed or apportioned by any Will or testamentary Instrument under any Power given for that Purpose by any such Marriage Settlement or Deed: Provided also, that nothing herein contained shall extend or be construed to extend to charge with Duty in *Ireland* any Legacy given for the Education or Maintenance of Poor Children in *Ireland*, or to be applied in support of any charitable Institution in *Ireland*, or for any Purpose merely charitable.

36 G. 3. c. 52.

Exemption of Legacies to Charities in Ireland.

XXXIX. And

XXXIX. And be it enacted, That every Receipt or Discharge for any Legacy or Residue, or Part thereof, shall be brought, within the Space of Twenty-one Days after the Date thereof, to the Head Office of the Commissioners of Stamps and Taxes in *Dublin*, or to some other Office to be appointed by the said Commissioners for such Purpose, to be stamped, paying the Duty for the same; and upon such Payment, either at the said Head Office, or any other Office to be appointed as aforesaid, the Receiver General, or other proper Officer to be appointed for that Purpose by the said Commissioners, as the Case shall require, shall write upon such Receipt or Discharge an Acknowledgment of the Payment of the Duty so paid in Words at Length, and bearing Date the Day on which such Payment shall be made, and shall subscribe his Name thereto, and enter an Account thereof in a Book to be provided for that Purpose, to the Intent that he may be thereby charged with the Sum so paid; and in case the Duty shall be so paid at the said Head Office, then the Receipt or Discharge so brought to be stamped shall be forthwith stamped with such Stamp as the Case may require; and in case the Duty shall be so paid at any other Office to be appointed by the said Commissioners as aforesaid, the Receipt or Discharge whereon such Acknowledgment of the Payment of Duty shall be so written and subscribed shall be transmitted, within the Space of Twenty-one Days from the Day of Payment of such Duty, to the said Head Office, to be stamped, and the same shall be stamped accordingly with such Stamp as aforesaid; and in case the Person paying such Duty at any such Office to be appointed as aforesaid shall be desirous that the same should be transmitted to the said Head Office by the Officer to whom such Duty shall be paid, and shall leave the same with such Officer for that Purpose, such Officer shall thereupon sign and deliver an Acknowledgment that such Receipt or Discharge has been left with him for such Purpose, and shall transmit such Receipt or Discharge to such Head Office to be stamped as aforesaid, and the same shall be sent again to such Officer as soon as conveniently may be after the stamping thereof; and such Officer shall deliver back the same to the Person entitled thereto, upon Re-delivery to him of the Acknowledgment which he shall have given for the same: Provided always, that if any such Receipt or Discharge shall not be so brought to any such Office as aforesaid within such Space of Twenty-one Days as aforesaid, it shall nevertheless be lawful to carry such Receipt or Discharge to the said Head Office, to be stamped in like Manner, within Three Calendar Months after the Date thereof, paying the Duty for the same, and also the further Sum of Ten Pounds *per Centum* on such Duty by way of Penalty for not having before paid such Duty; on Payment of which Duty and Penalty the said Commissioners are hereby authorized and required to stamp such Receipt or Discharge in the same Manner as if the same had been brought to the said Office within the Space of Twenty-one Days from the Date thereof; and where any such Receipt or Discharge as aforesaid shall have been signed out of the United Kingdom, if the same shall be brought to be stamped within Twenty-one Days after being received in the United Kingdom, it shall be lawful for the said Commissioners to remit any Penalty which may have been incurred thereon, and to cause the same to be duly stamped on Payment of the Duty payable in respect thereof.

Receipts for Legacies to be stamped within Twenty-one Days after the Date.

Penalty if not stamped within Twenty-one Days.

Receipts signed out of the United Kingdom.

XL. And be it enacted, That all Fines, Penalties, and Forfeitures imposed by or which may be incurred under this Act shall and may be sued for and recovered, with full Costs of Suit, and all Charges attending the same, by all or any of the Ways and Means and in such Manner and Form as are and is provided for the Recovery of any Penalty or Forfeiture in and by the said Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, subject to any such Appeal as therein mentioned, and shall be paid, applied, and distributed in such Manner as by the said last-mentioned Act is directed or authorized.

Penalties may be sued for as Penalties under Stamp Act.

XLI. And be it enacted, That wherever in this Act, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood and construed to include several Persons as well as One Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of Terms used in this Act.

XLII. And be it enacted, That in all Cases where no express Provision is herein contained for the Commencement of any of the Clauses or Provisions of this Act, the same shall commence and take effect on the Tenth Day of *October* One thousand eight hundred and forty-two.

Commencement of this Act.

XLIII. And be it enacted, That this Act and the Duties hereby imposed shall continue in force until the Tenth Day of *October* One thousand eight hundred and forty-five, and shall then cease and determine: Provided always, that this Act and the said Duties shall not then cease or determine with respect to any of the said Duties which shall have accrued or been incurred before the said last-mentioned Day, and shall then or at any Time afterwards be or become due or payable and remain in arrear or unpaid, or with respect to any Penalty, Forfeiture, or Punishment incurred, and not recovered or suffered, for any Offence or Crime committed against this Act, or any Act herein recited or referred to; but that this Act, and all the Powers and Provisions thereof, shall remain and continue in force with respect to all such Duties and Arrears of Duty, and all such Penalties, Forfeitures, and Punishments as aforesaid, until the same respectively shall have been fully paid, recovered, inflicted, and suffered.

Continuance of the Act.

XLIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE to which this Act refers.

	Duty. £ s. d.
BILL of LADING of or for any Goods, Merchandize, or Effects to be exported or carried Coastwise	0 0 6
CERTIFICATE to be taken out yearly by every Person admitted as an Attorney or Solicitor in any of Her Majesty's Courts at Dublin, or in any other Court in Ireland holding Pleas, where the Debt or Damage amounts to Forty Shillings; and by every Person admitted as a Proctor, Agent, or Procurator in any of the Ecclesiastical or Admiralty Courts in Ireland; and by every Person admitted or enrolled or authorized to act as a Notary Public in Ireland; and also by every Sworn Clerk, Clerk in Court, and other Clerk or Officer in any of the Courts aforesaid, who in his own Name, or in the Name of any other Person, shall commence, prosecute, carry on, or defend any Action, Suit, Prosecution, or other Proceeding in any of the Courts aforesaid, or do any notarial Act whatever for or in expectation of any Fee, Gain, or Reward as an Attorney, Solicitor, Agent, Proctor, Procurator, or Notary Public, although not admitted or enrolled or authorized to act as such:	
If he shall reside in the City of Dublin or within Three Miles thereof;	
And if he shall have been admitted or enrolled or authorized to act or in possession of his Office for the Space of Three Years or upwards	12 0 0
Or if he shall not have been admitted or enrolled or authorized to act or in possession so long	6 0 0
If he shall reside elsewhere in Ireland, and if he shall have been admitted or enrolled or authorized to act or in possession of his Office for the Space of Three Years or upwards	8 0 0
Or if he shall not have been admitted or enrolled or authorized to act or in possession so long	4 0 0
But no Person is to be obliged to take out more than One Certificate, although he may act in more than One of the Capacities aforesaid, or in several of the Courts aforesaid.	
EXEMPTIONS.	
All Clerks and Officers of any of the Courts aforesaid who shall act or be concerned in the Conduct or Management of any Action, Suit, Prosecution, or other Proceeding by virtue and in execution of their respective Offices or Appointments only, and shall not be also retained or employed by any Party to such Action, Suit, Prosecution, or other Proceeding, or by any Attorney, Solicitor, Agent, Proctor, or Procurator on behalf of any Party thereto, for or in expectation of any Fee or Reward other than the established Fees due and payable in respect of their Offices and Appointments.	
CERTIFICATE to be taken out yearly by every Person who in the Character of Conveyancer, Special Pleader, Draughtsman, Land Agent, Steward of an Estate, or otherwise, shall, for or in expectation of any Fee, Gain, or Reward, draw or prepare any Conveyance of or Deed or Instrument relating to any Estate or Property, Real or Personal, or any other Deed or Contract whatever, or any Pleadings or Proceedings in any Court of Law or Equity;	
If he shall reside in the City of Dublin or within Three Miles thereof	12 10 0
And if he shall reside elsewhere in Ireland	8 0 0
EXEMPTIONS.	
Serjeants-at-Law and Barristers, Attornies, Solicitors, Proctors, and Notaries Public, and other Persons acting as such by virtue of any Office or Appointment, who shall respectively take out Certificates in those Characters.	
Public Officers drawing or preparing Deeds or other Instruments by virtue of their Offices, and in the course of their official Duty only, and not otherwise.	
CERTIFICATE to be taken out yearly by any Banker or Bankers, or Person or Persons acting as such, of having registered the Firm of his or their House according to Law;	
If such Banker or Bankers, or other Person or Persons, shall issue any Promissory Notes for Money payable to Bearer on Demand, and allowed to be re-issued	30 0 0
CHARTER-PARTY, or any Agreement or Contract for the Charter of any Ship or Vessel, or any Memorandum, Letter, or other Writing between the Captain, Master, or Owner of any Ship or Vessel and any other Person, for or relating to the Freight or Conveyance of any Money, Goods, or Effects on board of such Ship or Vessel	0 5 0
COLLATION or Appointment by any Archbishop or Bishop to any Cathedral, Prebend, Dignity, Office, or honorary Canonry, in Ireland, having no Endowment or Emolument attached or belonging thereto	2 0 0

	Duty. £	s.	d.
COLLATION by any Archbishop or Bishop to any Ecclesiastical Benefice, Dignity, or Promotion in Ireland, other than as aforesaid	4	0	0
And where the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof over and above the first 200*l.* a further Duty of	5	0	0
The Value to be ascertained by Certificate of the Ecclesiastical Commissioners for Ireland: Provided always, that Two or more Benefices episcopally united shall be deemed One Benefice only.			
DISPENSATION, Faculty, or other Instrument for admitting or authorizing any Person to act as a Notary Public in Ireland	20	0	0
DISPENSATION for holding Two Ecclesiastical Dignities or Benefices, or a Dignity and a Benefice, in Ireland	25	0	0
DISPENSATION or Faculty of any Kind not herein otherwise charged	25	0	0
DONATION. See PRESENTATION.			
FACULTY. See DISPENSATION.			
GRANT or Letters Patent under the Great Seal of Ireland;			
Of the Honour or Dignity of an Archbishop	150	0	0
——— of a Bishop	100	0	0
INSTITUTION granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, to any Ecclesiastical Benefice, Dignity, or Promotion in Ireland, or to any Two or more such Benefices episcopally united;			
Where the same shall proceed upon a Presentation	2	0	0
And where it shall proceed upon the Petition of the Patron to be himself admitted and instituted	7	0	0
And if in the latter Case the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof over and above the first 200*l.* a further Duty of	5	0	0
The Value to be ascertained as in the Case of Collation. See COLLATION.			
Provided always, that Two or more Benefices episcopally united shall be deemed One Benefice only.			
But such Petition shall not be liable to any Stamp Duty.			
LEASE, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument, by any Archbishop or Bishop, or Ecclesiastical Corporation, Aggregate or Sole, for setting or demising Lands, Tenements, or Hereditaments in Ireland, of the Estates of such Archbishop or Bishop or Corporation in right of their respective Sees, for any Term of Years only, and absolute, not exceeding Twenty-one Years in possession, without any Clause or Covenant for the Renewal thereof, on the first Skin or Piece of Vellum, Parchment, or Paper of each and every Part thereof;			
Where the annual Amount of the Rent reserved or agreed to be reserved (any penal Rent, or any increased or reserved Rent in the Nature of a penal Rent, not being included in such Amount,) shall not exceed 10*l.*, and the Fine or Consideration for the same shall not exceed 100*l.*	0	5	0

Where the Amount

of such Rent						or	of such Fine or Consideration						
shall exceed			and shall not exceed				shall exceed			and shall not exceed			
£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	
10	0	0	20	0	0		100	0	0	150	0	0	0 10 0
20	0	0	50	0	0		150	0	0	200	0	0	0 15 0

And where there shall be both Rent and Fine, the Duty only to be paid in respect of such Rent or Fine as shall be liable to the higher Rate of Duty.			
And for every Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper, in any such Indenture, Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article, after the first Skin or Sheet, a Duty of	0	10	0
Provided always, that in any Case where the annual Amount of such Rent reserved shall exceed 50*l.*, or such Fine or Consideration shall exceed 200*l.*, such Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument, shall be chargeable with the Duty or Duties specified in the Schedule of the Act 55 Geo. 3. Cap. 184.			

	Duty. £ s. d.
LEASE, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument, not otherwise charged, for setting or demising Lands, Tenements, or Hereditaments in Ireland, for any Term not exceeding Three Lives or Thirty-one Years, whether with or without a Clause or Covenant for the Renewal thereof, or with a Clause or Covenant of Renewal which shall contain any Stipulation for the Payment of any pecuniary Fine in any way howsoever;	
On the first Skin or Piece of Vellum, Parchment, or Paper of each and every Part thereof;	
Where the annual Amount of the Rent reserved or agreed to be reserved (any penal Rent, or any increased or reserved Rent in the Nature of a penal Rent, not being included in such Amount,) shall not exceed 10*l.*, and the Fine or Consideration for the same shall not exceed 100*l.* - - - - -	0 5 0

Where the Amount

of such Rent						or	of such Fine or Consideration						
shall exceed			and shall not exceed				shall exceed			and shall not exceed			
£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	
10	0	0	20	0	0		100	0	0	150	0	0	0 10 0
20	0	0	50	0	0		150	0	0	200	0	0	0 15 0

And where there shall be both Rent and Fine, Duty to be paid in respect of each, which may be denoted by either One or more Stamps;	
And for every Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper, in any such Indenture, Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article, after the first Skin or Sheet, a Duty of - - - -	0 10 0
Provided always, that in any Case where the annual Amount of such Rent reserved shall exceed 50*l.*, or such Fine or Consideration shall exceed 200*l.*, such Lease, Release, or Deed, Minute, Memorandum, or legal or equitable Article or Instrument, shall be chargeable with the Duty or Duties specified in the Schedule of the Act 55 Geo. 3. Cap. 184.	
LICENCE to hold a Perpetual Curacy not proceeding upon a Nomination - - -	3 10 0
EXEMPTION.	
Licences to Stipendiary Curates, wherein the annual Amount of the Stipend shall be specified.	
LICENCE to be taken out yearly for using or exercising the Trade or Business of a Pawnbroker within the City of Dublin, or the Circular Road surrounding the same -	15 0 0
And for using or exercising the Trade or Business of a Pawnbroker elsewhere in Ireland - - - - - - - - -	7 10 0
PRESENTATION or Donation by Her Majesty, Her Heirs or Successors, or by any other Patron, to any Ecclesiastical Benefice, Dignity, or Promotion in Ireland - -	5 0 0
And where the net yearly Value of such Benefice, Dignity, or Promotion shall amount to 300*l.* or upwards, then for every 100*l.* thereof over and above the first 200*l.* a further Duty of - - - - - -	5 0 0
The Value to be ascertained as in the Case of Collation. See COLLATION.	
Provided, that Two or more Benefices episcopally united shall be deemed One Benefice only.	

CAP. LXXXIII.

An Act to abolish the Court of *Saint Briavel's*, and for the more easy and speedy Recovery of Small Debts within the Hundred of *Saint Briavel's*, in the County of *Gloucester*.

[5th *August* 1842.]

'WHEREAS there has heretofore been, and now is, a certain Court in the Hundred of *Saint Briavel's* in the County of *Gloucester*, called "*Saint Briavel's* Court," having Jurisdiction over the whole of the said Hundred in certain Actions, which Court has been usually held in the Castle of *Saint Briavel's*, before a Deputy Constable and Recorder appointed by Her Majesty's Constable of the said Castle, and is distinct from the Manor Court and Hundred Court of *Saint Briavel's*, and Part of the

'the Castle of *Saint Briavel's* hath been hitherto, and now is, used as a Prison for Persons imprisoned 'under the Process of the said *Saint Briavel's* Court: And whereas it would be of great Benefit to 'Persons residing, trading, or dealing within the Limits and Jurisdiction of the said Court, and would 'tend to the Support and Protection of useful Credit within the Hundred of *Saint Briavel's*, if the said 'Court called *Saint Briavel's* Court, and the Jurisdiction thereof, were abolished, and a Court of 'Requests or Small Debt Court constituted in lieu thereof, as herein-after mentioned; which said several 'Purposes cannot be effected without the Aid and Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Court called *Saint Briavel's* Court, in the said County of *Gloucester*, shall be and the same is hereby abolished, and all Processes and Proceedings of or by the same shall cease and determine, save and except such Suits pending at the Time of the passing of this Act as shall or may be within the Jurisdiction of the Small Debt Court by this Act constituted, which said Suits shall and may be transferred to and be determined by and in such Small Debt Court, according to the Course of Proceeding in such Court, without any new or other Process of Proceeding in such Small Debt Court, further than the Entry of such Suit with the proper Officer of the said Small Debt Court, and such Notice thereof as is hereby required in case of Suits commenced in the said Small Debt Court.

Saint Briavel's Court abolished.

II. And be it enacted, That as soon as conveniently may be after the passing of this Act the several Persons who may then be in the Custody of the Keeper of the Prison in the Castle of *Saint Briavel's* shall be conveyed and delivered, together with the several Warrants under which they were respectively committed or may be detained, to the Keeper of Her Majesty's Prison at *Little Dean* in the said County of *Gloucester*, who is hereby authorized and required to receive and keep and detain the said several Persons, according to the Requisition and Tenor of the said respective Warrants or Commitments; and the Keeper of the said Prison of *Saint Briavel's*, upon such Delivery to the said Keeper of the said Prison of *Little Dean*, shall be discharged and relieved from the further Custody of the said several Persons respectively, and from any further Obedience to or Compliance with the said Warrants or Commitments.

Prisoners in Saint Briavel's Castle to be transferred to the Prison of Little Dean.

III. And be it enacted, That the Judge and his Successors, to be appointed as herein-after mentioned, shall be a Court of Justice for the Recovery of Small Debts within the Hundred aforesaid, by the Name of "The Court of Requests of the Hundred of *Saint Briavel's* in the County of *Gloucester*."

Small Debt Court established.

IV. And be it enacted, That the said Court shall be holden at some convenient Place within the said Hundred, as the said Judge shall from Time to Time see fit, and at such Times as the said Judge shall appoint, but so that the Intervals between the holding of any Two such Courts at *Coleford* within the said Hundred shall in no Case be more than Six Weeks, and at *Little Dean* within the said Hundred not more than a like Period of Six Weeks.

When and where Courts shall be holden.

V. And be it enacted, That it shall be lawful for Her Majesty's Constable of the Castle of *Saint Briavel's* for the Time being, with the Concurrence of the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for the Time being, at any Time after the passing of this Act, and from Time to Time when any Judge to be appointed under this Act shall die, resign, or be removed, to appoint to be Judge of the said Court any Person who either shall have been called to the Bar, and shall have practised as a Barrister for at least Seven Years, or who shall be an Attorney of one of Her Majesty's Superior Courts of Common Law at *Westminster*, and shall have been certified by Three or more Judges of the said Superior Courts to the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the Time being, and the Constable of the Castle of *Saint Briavel's* for the Time being, as a fit Person to be appointed Judge of the said Court; and it shall be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the Time being, and the Constable of the said Castle for the Time being, if they shall think fit, to remove any Judge of the said Court for Misbehaviour, or upon a Petition to be preferred to them for that Purpose by the Justices of the Peace for the said County of *Gloucester* in Quarter Sessions assembled, or by Three Justices of the said County residing within the said Hundred.

Judge of the Court to be appointed.

VI. And be it enacted, That in case of the Illness or unavoidable Absence of the Judge of the said Court it shall be lawful for such Judge to appoint some Person, being a Barrister of Seven Years standing, or an Attorney of one of Her Majesty's Superior Courts at *Westminster* who has been in practice Seven Years at the least, to act as his Deputy during such Illness or unavoidable Absence; and such Deputy shall, during the Time for which he shall be so appointed, have the same Power of deciding, pronouncing Judgment, making Orders, and issuing Executions, in any Action brought before him in the said Court, as the Judge by whom he shall have been so appointed.

Judge may appoint a Deputy.

VII. And be it enacted, That the Justices of the Peace of the said County in Quarter Sessions assembled shall from Time to Time, with the Approbation of the Judge of the said Court for the Time being, appoint a fit Person, being an Attorney of one of Her Majesty's Superior Courts at *Westminster*, and not being the Judge or the Partner of the Judge of the said Court, to be Clerk of the said Court; and the said Justices may remove any such Clerk upon sufficient Cause: Provided always, that in case Twenty Days shall intervene between the Death, Removal, or Resignation of any Clerk of the said Court and the then next General Quarter Sessions of the Peace in and for the said County of *Gloucester*, it shall be lawful for the Judge of the said Court to appoint some fit Person, qualified as aforesaid, to be Clerk of the said Court until the Appointment of a Clerk by the said Court of Quarter Sessions as aforesaid.

Justices to appoint Clerks and other Officers.

Clerk may appoint a Deputy.

VIII. And be it enacted, That in case of the Illness or unavoidable Absence of the Clerk of the said Court it shall be lawful for the said Clerk (with the Approbation of the Judge) to appoint from Time to Time some Person, being an Attorney of one of the Superior Courts at *Westminster*, to act as his Deputy during such Illness or unavoidable Absence, and to remove such Deputy at his Pleasure; and such Deputy, during the Time for which he shall be so appointed, shall have the like Powers as if he were Clerk of the said Court for the Time being.

Judge to appoint inferior Officers.

IX. And be it enacted, That the Judge of the said Court shall from Time to Time appoint, and may remove, the Bailiffs and other inferior Officers of the said Court.

Justices to appoint a Treasurer.

X. And be it enacted, That the Justices of the said County in Quarter Sessions assembled shall appoint a fit Person to be the Treasurer of the said Court, who shall not be the Judge, Clerk, or other Officer of the Court, and such Justices may remove any such Treasurer, and appoint another Person in his Room: Provided always, that Notice of the Intention to propose that any Treasurer be removed shall be given at the Sessions before that at which the Motion for his Removal shall be made.

Clerk and Treasurer not to be the same Person.

XI. And be it enacted, That it shall not be lawful for the Clerk of the said Court, or the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to act as Treasurer of the said Court, nor for the Treasurer of the said Court, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to act as Clerk of the said Court; and if any Person shall accept both the Offices of Clerk and Treasurer of the said Court, or if any Person being the Partner of any such Clerk, or a Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or a Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall in any Manner officiate for such Clerk, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Treasurer and Officers to give Security.

XII. And be it enacted, That the Treasurer, and also every Clerk, Bailiff, and Officer of the said Court, who shall receive any Monies in the Execution of their Duty, shall give Security for such Sum, and in such Manner and Form, as the Justices of the said County in Quarter Sessions assembled shall deem sufficient and see reason to direct, for the due Performance of their several Offices, and for the due Payment of all Monies received by them under this Act.

Duties of the Clerk and Bailiffs.

XIII. And be it enacted, That the Clerk of the said Court shall issue all Summonses, Warrants, Precepts, and Writs of Execution, and register all Orders and Judgments of the said Court, and keep an Account of all such Summonses, Executions, and other Process of the Court, and shall take charge of and keep an Account of all Court Fees and Fines payable or paid into Court, and of all Suitors Money paid into and out of Court, and shall enter an Account of all such Fees, Fines, and Monies in a Book to be kept by him for the Purpose, which Book shall be open to the Inspection of all Persons on Payment of One Shilling for each such Inspection; and the Bailiffs of the said Court shall serve all such Summonses, and execute all such Orders, Warrants, Precepts, and Writs; and a List of the Names and Places of Abode of every Bailiff appointed to execute the Process of the Court shall be put up in a conspicuous Place in the Court and in the Clerk's Office.

Duties of Treasurer.

XIV. And be it enacted, That the Treasurer of the said Court shall from Time to Time, quarterly or oftener, audit and settle the Accounts of the said Clerk and other Officers of the said Court, and receive the Balance of such Monies as such Clerk and other Officers may have received under this Act belonging to the Suitors of the said Court, or applicable to the General Fund herein-after mentioned, and shall make all such Payments as it shall be requisite to make in accordance with the Provisions of this Act.

Upon the Removal of any Treasurer, his Successor may sue for any Balance remaining in his Hands.

XV. And be it enacted, That if any Person, having resigned or having been removed from the Office of Treasurer of the said Court, shall neglect, within Twenty-one Days after Notice in Writing for such Person, to account for and pay to the Treasurer of the said Court for the Time being, or to such Person as he shall appoint to receive the same, all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Treasurer of the said Court for the Time being, by his Name and Description of Office, to sue for and recover the same from such Person, with full Costs, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt, in which Action it shall be sufficient for such Treasurer to declare as for Money had and received to the Use of such Treasurer for the Purposes of this Act; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court, or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer), and upon the Report of the Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable, or the Court may order Judgment to be entered up by Confession for such Sum as upon the Report shall appear to be due.

Proceedings against the Representatives of a deceased Treasurer.

XVI. And be it enacted, That in case of the Death of any Person during the Time that he shall hold the Office of Treasurer, or after he shall have resigned or been removed from such Office, the Treasurer for the Time being may, by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act, by an Action of Debt, in any of Her Majesty's Courts of Record at *Westminster*, in which Action it shall be sufficient for the Plaintiff to declare that the Deceased

was

was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and in all such Actions the Defendants may plead in like Manner, and avail themselves of the like Matters of Defence, as in any Action founded upon simple Contracts of the Testator or Intestate, and the Court may refer the Account in dispute, and such Proceedings may thereupon be had as herein-before provided in case of Actions against the Treasurer during his Lifetime.

Remedies against Bailiffs and other Officers.

XVII. And be it enacted, That if any Bailiff or Officer of the said Court, acting under Colour or Pretence of the Process of the said Court, shall be guilty of Extortion, or shall not duly pay or account for any Money levied by him under the Authority of this Act, it shall be lawful for the said Judge to make such Order for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs to the Parties aggrieved, as the Court shall think just; and in default of Payment of any Money so ordered to be paid by such Bailiff within the Time specified for the Payment thereof in such Order, it shall be lawful for the Judge of the said Court, by Warrant under his Hand and Seal, to cause such Sum to be levied by Distress and Sale of the Goods of the Offender, together with the reasonable Charges of such Distress and Sale, and in default of such Distress to commit the Offender to any Common Gaol, Prison, or House of Correction in the said County for any Period not exceeding Three Calendar Months.

Judge, Clerk, and Bailiffs to be paid Fees according to Schedule.

XVIII. And be it enacted, That there shall be payable to the Judge of the said Court, and to the Clerk and Bailiffs thereof, on every Proceeding in the Court, such Fees as are set down in the Schedule to this Act annexed, or as shall be from Time to Time directed to be taken by the Justices of the said County in Quarter Sessions assembled, and none other, and a Table of such Fees shall be hung up in some conspicuous Place in such Court and in the Clerk's Office; and the Fees on every Proceeding shall be paid, in the first instance, by the Plaintiff or Party on whose Behalf the same shall be taken, on or before such Proceeding; and the Fees upon Executions shall be paid into Court at the Time of the Issue of the Warrant of Execution, and shall be paid by the Clerk of the Court to the Bailiff, upon the Return of the Warrant of Execution, and not before.

Treasurer and certain other Officers to receive Salaries.

XIX. And be it enacted, That the Treasurer of the said Court, and all other Officers and Servants employed in or about the Court (exclusively of the Judge, Clerk, and Bailiffs), shall receive Salaries for their respective Services, such Salaries to be fixed from Time to Time by the Judge of the Court, and to be paid out of the General Fund herein-after mentioned.

Officers taking Fees not allowed to be discharged.

XX. And be it enacted, That if any Clerk, Bailiff, or other Officer employed under this Act shall exact or take any greater Fee or Reward whatsoever than such Fees as are or shall be appointed and allowed respectively as aforesaid, every such Person so offending shall, upon Proof thereof before the said Court, be for ever incapable of serving or being employed in any Office under this Act.

Treasurer to provide Court Houses.

XXI. And be it enacted, That the Treasurer of the said Court shall, as soon as conveniently may be, under the Direction of the Justices of the said County in Quarter Sessions assembled, provide suitable Buildings, with all necessary Appurtenances for holding the said Court therein, and for the Offices necessary for carrying on the Business of the said Court; and all Lands, Tenements, and Hereditaments belonging to the said Court shall vest in the Treasurer for the Time being, and in his Successors in that Office, in Trust for the Purposes of this Act.

Clerk to have Charge of the Court.

XXII. And be it enacted, That the Clerk of the said Court shall have the Care of the Court House and Offices, and shall appoint and have Power to dismiss the necessary Servants for taking Charge of such Court House and Offices, and shall, with the Approbation of the Judge, make all necessary Contracts, or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming the Court, Buildings, and Offices thereunto belonging, and for supplying the Court and Offices with Books and Stationery, and all other Necessaries for holding the Court; and the Expences thereby incurred shall be paid out of the said General Fund.

Treasurer empowered to borrow Money.

XXIII. And be it enacted, That, for the Purpose of providing any Buildings, Lands, or Hereditaments for the Purposes aforesaid, it shall be lawful for the said Treasurer to borrow and take up at Interest such Sums of Money as he shall find to be necessary, the Amount thereof, and the Rate of Interest thereon, in each Case, being first allowed by the Justices of the said County in Quarter Sessions assembled; and the said Treasurer may enter into and execute such Securities as may be required for securing Repayment of the Sums borrowed, with Interest for the same, out of the General Fund herein-after mentioned, and shall enter in a Book to be kept for that Purpose the Names of the several Persons by whom any Sums shall be advanced for the Purposes aforesaid, in the Order in which each Sum shall be advanced, and every such Sum shall be paid off in the same Order.

General Fund.

XXIV. And be it enacted, That for raising a Fund for providing any Court House and Offices, and any Money borrowed for the Purposes aforesaid, and the Interest due in respect thereof, the Clerk of the said Court shall demand and receive from the Plaintiff in every Suit brought in the said Court a Sum of Money after the Rate of One Shilling in the Pound on the Amount of the Debt claimed, which Sum shall be paid in all Cases by the Plaintiff upon Suit brought in the Court; and the Clerk of the Court shall keep an Account of all the Sums so raised, and shall pay over the same to the Treasurer of the said Court; and the Amount thereof shall accumulate, and shall form a Fund, to be called "The General Fund of the *Saint Briavel's* Court of Requests," and shall be applied in providing any Court House and Offices for the Purposes of this Act, defraying the Salaries and other Expences herein mentioned, and in Payment of the Money borrowed for the Purposes aforesaid, and the Interest thereof, in such Manner as the Judge of the said Court shall direct.

XXV. And

Jurisdiction of the Court.

XXV. And be it enacted, That after the Appointment of a Judge of the said Court under this Act all Actions for the Recovery of Debts (except such as are herein-after mentioned), where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, and is claimed from any Person residing, trading, or dealing within the Hundred aforesaid, may lawfully be tried and decided by the Judge of the said Court: Provided always, that the said Judge shall not decide or determine any Action in which the Title to any Lands or Hereditaments, or to any Tithe, Toll, Fair, Market, or Franchise, shall be in question, or arising out of or relating to any Will or Settlement.

Decision to be according to Law.

XXVI. And be it enacted, That all such Actions shall be determined according to the Laws and Statutes of *England* for the Time being, except in so far as such Laws and Statutes are altered or varied by this Act.

Demands not to be split.

XXVII. And be it enacted, That it shall not be lawful for any Plaintiff to divide any Cause of Action into Two or more Suits for the Purpose of bringing the same within the Jurisdiction of the said Court; but any Plaintiff having Cause of Action above the Value of Fifteen Pounds, for which a Plaint might be entered under this Act if not above the Value of Fifteen Pounds, may abandon the Excess, and thereupon the Plaintiff shall, on proving his Case, recover to an Amount not exceeding Fifteen Pounds; and the Judgment of the Court upon such Plaint shall be in full Discharge of all Demands in respect of such Cause of Action.

Minors may sue for Wages.

XXVIII. And be it enacted, That it shall be lawful for any Person under the Age of Twenty-one Years to prosecute any Suit in the said Court for any Sum not exceeding Fifteen Pounds which may be due to him for Wages as a menial or other Servant, in the same Manner as if he were of full Age.

One of several Persons liable may be sued.

XXIX. And be it enacted, That where any Plaintiff shall have any Demand recoverable under this Act against Two or more Persons jointly answerable, it shall be sufficient if One of such Persons be served with Process; and Judgment may lawfully be obtained, and Execution issued, against such Person, notwithstanding others jointly liable may not have been served or sued; reserving always to the Person against whom Execution may issue any Right which he may have to demand Contribution from any other Person jointly liable with him.

No Privilege allowed.

XXX. And be it enacted, That no Privilege shall be allowed to any Person to exempt him from the Jurisdiction of the said Court on account of his being an Attorney or Solicitor of any of Her Majesty's Courts of Record at *Westminster*, or of any other Court.

Concurrent Jurisdiction of other Courts.

XXXI. And be it enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in any of Her Majesty's Courts at *Westminster* or other Court whatsoever, save and except the Court hereby abolished, having any Jurisdiction within the Limits of the Court constituted by this Act, may still, notwithstanding this Act, be brought and determined in any such Court at the Election of the Party suing or proceeding, in the same Manner as if this Act had not been passed.

No Proceeding to be removed if Debt does not exceed 5*l*.

XXXII. And be it enacted, That no Plaint entered in the said Court, nor any Proceeding therein, shall be removed into any Superior Court, where the Debt claimed shall not exceed Five Pounds, except where the Complaint made is of the Extortion or Misconduct of a Bailiff of the said Court acting under Colour or Pretence of Process of the said Court.

No Proceeding to be removed except by Order of a Judge of the Superior Courts.

XXXIII. And be it enacted, That no Plaint entered in the said Court, nor any Proceeding therein, shall be removed into any Superior Court, except by Leave of a Judge of one of the Superior Courts at *Westminster*; and on granting such Leave it shall be lawful for any such Judge, by an Order in Writing under his Hand, to stay all Proceedings in the said Court hereby created, upon such Terms, as to giving Security for the Costs incurred therein, and for the Costs which may be incurred in any Action to be brought in the Superior Courts for the same Matter, or otherwise, as such Judge shall direct, which Security may be taken by way of Recognizance, or otherwise, as such Judge shall think fit.

Judge to determine all Causes not exceeding 5*l*.

XXXIV. And be it enacted, That the Judge of the said Court hereby created shall be the sole Judge to determine all Actions brought in the said Court, and all Questions of Fact and Law relating thereto, except where the Amount claimed shall exceed Five Pounds, and either of the Parties shall require a Jury to be summoned as herein-after mentioned.

In Actions for Sums exceeding 5*l*. either Party may require a Jury.

XXXV. And be it enacted, That in all Actions where the Sum sought to be recovered shall exceed Five Pounds, it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the Action, and in every such Case a Jury shall be summoned according to the Provisions herein-after contained: Provided always, that the Party requiring a Jury shall give Notice to the Clerk of the said Court that he requires a Jury to be summoned Five clear Days at least prior to the holding of the Court at which the said Cause shall be to be tried; and the said Clerk shall cause such Notice to be communicated to the other Party to the said Action, either by Post, or by causing the same to be delivered at his usual Place of Business or Residence.

Parties requiring Juries to make Deposits.

XXXVI. And be it enacted, That every Party requiring any Jury to be summoned shall, at the Time of giving the said Notice, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the Court such Sum of Money as the Judge shall, by any General Order of the Court, direct, towards the Payment of the Expences of the Jury, and of summoning the same; and such Sum shall be considered as Costs in the Cause: Provided always, that each Juror shall not receive less in respect of each Day's Attendance than the Sum of Five Shillings; and if the Sum of Money paid by the Party requiring a Jury shall not be sufficient for that Purpose, the Deficiency shall be made up out of the General Fund of the Court.

Who shall be Jurors.

XXXVII. And be it enacted, That the Sheriff of the said County shall cause to be delivered to the Clerk of the said Court hereby created a List of Persons qualified to serve as Jurors in the Courts of Sessions

Sessions of the Peace for the said County, residing within the Hundred aforesaid; and the said Clerk shall cause to be summoned in rotation so many of the Persons named in the said List as shall be needed, in the Opinion of the Judge, to attend the Court, at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause an Oath to do Justice between the several Parties according to the best of their Skill and Ability; and the Person so summoned shall attend at the same Court at the Time mentioned in such Summons, and in default of such Attendance shall forfeit such Sum of Money as the Judge of the said Court shall direct, not exceeding the Sum of Forty Shillings for every such Default; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against any of the said Jurors, in like Manner as he would be entitled in any Superior Court.

Number of Jurors.

XXXVIII. And be it enacted, That at the opening of the Court hereby created, and so from Time to Time as Occasion shall require, a certain Number of Jurors, not more than Five nor less than Three, in the Discretion of the Judge, shall be impannelled and sworn to give their Verdicts in such Causes as shall be brought before them in the said Court.

Process of the Court to be under Seal.

XXXIX. And be it enacted, That there shall be made a Seal of the said Court hereby created, and all Summonses and other Process issuing out of the said Court shall be sealed or stamped with such Seal; and every Person who shall forge the Seal or any Process of the said Court, or who shall attempt to serve or enforce any such forged Process, knowing the same to be forged, or to take the Body or Goods of any Person maliciously under any false Colour or Pretence of the Process of the said Court, shall be guilty of Felony.

Suits to be by Plaint.

XL. And be it enacted, That it shall be lawful for any Person who now hath or hereafter shall have any Cause of Action over which the said Court hereby created has Jurisdiction under this Act, against any Person residing, trading, or dealing within the Hundred aforesaid, to enter in the Office of the Clerk of the said Court a Plaint in Writing, stating the Parties to and the Substance of the Action intended to be brought; and thereupon a Summons shall be issued, under the Seal of the Court, which shall be in Substance according to the Form in the Schedule to this Act annexed, and shall be served on the Defendant Fourteen Days before the Day on which the said Court shall be holden at which the Cause shall be tried; and Delivery of such Summons to the Defendant, or Delivery thereof to his Wife or Servant, or any Inmate at his usual Place of Abode, trading, or dealing, shall be deemed good Service; and every such Summons shall be read over or explained, at the Time of the Service thereof, to the Defendant or other Person on whom the same shall be served as aforesaid: Provided always, that before entering any Plaint as aforesaid it shall be lawful for the Clerk of the Court to require Proof that a Copy of the Bill or Account for the Recovery of the Amount of which the Plaint is so to be entered has been duly delivered to the Party from whom the same is claimed, or at his last usual Place of Abode.

Summons to be made returnable only at Courts held at certain adjacent Places.

XLI. Provided always, and be it enacted, That no Summons shall be issued, under the Powers given by this Act, against any Person residing, trading, or dealing within any of the Parishes, Townships, Hamlets, or Places of *St. Briavel's*, *Helvelsfield*, *Newland*, *English Bicknor*, *Staunton*, and *West Dean*, unless the same be made returnable at *Coleford*; and that no Summons shall be issued, under the Powers given by this Act, against any Person residing, trading, or dealing within the Parishes, Townships, Hamlets, or Places of *Little Dean*, *Flaxley*, *Mitchel Dean*, *Abinghall*, *Lea* (*Gloucestershire*), *Ruardean*, and *East Dean*, unless the same be made returnable at *Little Dean*.

Clerks not to issue Summons until Deposit is made.

XLII. And be it enacted, That no such Summons shall be issued unless the Plaintiff shall, at the Time of entering his Plaint, deposit with the Clerk of the Court for every Claim not exceeding Twenty Shillings the Sum of One Shilling, and for every Claim exceeding Twenty Shillings One Twentieth Part thereof, omitting any Sum less than Sixpence in estimating such Twentieth Part; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the Court, or of the Cause for which the Summons shall have been issued, the Plaintiff shall not appear, either in Person or by some other Person on his Behalf, or appearing shall not make Proof of his Demand to the Satisfaction of the Court, it shall be lawful for the Judge to award to the Defendant a Part or the Whole of such Deposit Money, by way of Costs and Satisfaction for his Trouble and Attendance, with such further Sum as the Judge in his Discretion shall think fit, and to order and compel the Plaintiff to pay such further Sum by such Ways and Means as any Debt ordered to be paid by the Court can be recovered; and so much of the said Deposit Money as shall not be awarded to the Defendant shall be returned, on Demand, to the Plaintiff.

No Evidence but of Matter in Summons.

XLIII. And be it enacted, That on the Trial of any such Cause no Evidence shall be given by the Plaintiff of any Demand or Cause of Action, except such as shall have been stated in the Summons hereby directed to be given.

Notices to be given of special Defences.

XLIV. And be it declared and enacted, That all Defendants in the said Court hereby created shall be allowed to set off any Debt or Demand claimed to be due to them from the Plaintiff, or to set up by way of Defence, and to claim and have, the Benefit of any Statute of Limitations, or any Discharge under any Statute relating to Bankrupts or Insolvent Debtors: Provided always, that no such Defence shall be admitted unless Notice thereof in Writing shall have been given to the Clerk of the Court, or left at his Office, Five Days at least previous to the Hearing of the Cause, and the Clerk shall communicate the same to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or Business.

Defendant may pay Money into Court.

XLV. And be it enacted, That it shall be lawful for the Defendant in any such Action, at any Time, not being less than Five clear Days before the Day appointed for the Trial thereof, to pay into Court such

such Sum of Money as he shall think a full Satisfaction for the Demand of the Plaintiff, together with the Costs incurred by the Plaintiff up to the Time of such Payment; and Notice of such Payment shall be communicated by the Clerk of the Court to the Plaintiff by Post, or by sending the same to his usual Place of Abode or Business; and the said Sum of Money shall be paid to the Plaintiff, and all Proceedings in the Action shall be stayed, unless the Plaintiff shall, within Three Days after the Receipt of Notice of such Payment, signify to the Clerk of the Court his Intention to proceed for the Remainder of the Demand claimed, and in such Case the Action shall proceed as if the Plaint had originally been entered for such Remainder only: Provided always, that if the Plaintiff shall recover no further Sum in the Action than shall so have been paid into Court, such Plaintiff shall pay to the Defendant all the Costs incurred by him in the said Action after such Payment; and such Costs shall be settled by the Court, and shall be recovered by the Defendant by such Ways and Means as any Debt ordered to be paid by the said Court can be recovered.

Parties and Witnesses to be examined on Oath.

XLVI. And be it enacted, That on the Hearing or Trial of any Action the Parties thereto, and all Persons whosoever competent in Law to give Evidence, may be examined upon Oath touching the Matters in question; and before any Party or Witness shall be so examined the Judge shall administer or cause to be administered an Oath or Affirmation to such Party or Witness accordingly.

False Evidence to be punished as Perjury.

XLVII. And be it enacted, That every Person who, in any Examination upon Oath or solemn Affirmation before the Judge of the said Court, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties for Perjury.

Summonses to Witnesses.

XLVIII. And be it enacted, That either of the Parties to the Suit may obtain, at the Office of the Clerk of the Court, Summonses to Witnesses, with or without a Clause requiring the Production of Books, Papers, and Writings in their Possession or Control, and in any such Summons any Number of Names may be inserted.

Penalty on Witnesses within the Jurisdiction making default, to be levied by the Court.

XLIX. And be it enacted, That every Person resident within the Hundred aforesaid, on whom any such Summons shall have been served, either personally or by leaving the same at his usual Place of Abode, trading, or dealing, and to whom Payment or Tender of Payment of his Expences, on such Scale of Allowance as shall be from Time to Time settled by the Judge, shall at the same Time have been made, and who shall refuse or neglect, without sufficient Cause, to appear, or produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person in Court, so resident as aforesaid, called upon to give Evidence, who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine, not exceeding Five Pounds, as the Judge shall set on him, and such Fine shall be recoverable in the said Court.

Penalty on Witnesses beyond the Jurisdiction making default to be levied as other Penalties.

L. And be it enacted, That every Person not resident in the Hundred aforesaid, on whom any such Summons shall have been served in manner aforesaid, and to whom Payment or Tender of Payment of his reasonable Expences shall at the same Time have been made, and who shall refuse or neglect, without sufficient Cause, to appear, or produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person in Court, not resident within the Hundred aforesaid, who shall be called upon to give Evidence, and shall refuse to be sworn and give Evidence, shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered as any Fine or Penalty for which no special Provision is made by this Act is hereby directed to be recovered, and to be paid to the Clerk of the said Court: Provided always, that no Person shall be compellable to attend as a Witness in the said Court who shall be resident at a greater Distance than Twenty Miles from the Place where the same is holden.

Application of the Penalties.

LI. And be it enacted, That the Whole or any Part of every such Fine, in the Discretion of the Judge, after deducting the Costs, shall be applicable towards indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall go to the General Fund of the Court.

Proceedings on hearing Plaint.

LII. And be it enacted, That on the Day mentioned in the Summons the Plaintiff shall appear in the Court held at the Place mentioned in such Summons, in Person or by some Person on his Behalf, and thereupon the Defendant shall be required, by himself, or by some Person on his Behalf, to answer such Plaint, and on Answer being made in Court the Court shall proceed in a summary Way to try the Cause, and give Judgment, without further Pleading or formal Joinder of Issue.

Proceedings if Defendant does not appear.

LIII. And be it enacted, That if on the Day named in the Summons the Defendant shall not appear as aforesaid, nor sufficiently excuse his Absence, or shall neglect to answer, the Judge may, upon due Proof of the Service of the Summons, proceed to the Hearing or Trial of the Cause on the Part of the Plaintiff only, and the Order, Verdict, or Judgment thereupon shall be as valid as if both Parties had attended: Provided always, that the Judge may in any such Case, at the next or following Court, set aside any Judgment so given as last aforesaid, and the Execution thereupon, under such Terms as he may think fit to impose, upon sufficient Cause shown to him for that Purpose, and grant a new Trial or Re-hearing of the Cause, upon the Defendant paying the Costs of the first Trial or Hearing, and giving such Security for the Costs of the new Trial or Re-hearing as to the Judge shall seem meet.

If Defendant unable to attend the Cause may be adjourned.

LIV. And be it enacted, That if it shall appear to the Judge, at the Time appointed for the Hearing or Trial of any Cause, that the Defendant is unable to attend the Court from any reasonable Cause, the Trial or Hearing of the Cause shall be adjourned to the next or following Court.

Judge may give Time.

LV. And be it enacted, That the Judge may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of the Suit.

Judge to make Rules and frame Forms of Procedure.

LVI. And be it enacted, That the Judge of the Court shall have Power, from Time to Time as he shall see fit, subject to the Approval of any Two Judges of the Superior Courts at *Westminster*, to make Rules for regulating the Practice of the said Court, and to frame Forms for every Proceeding in the Court for which

which he shall think it necessary that a Form be provided, and to alter any of such Rules or Forms, and of the Forms given in the Schedule to this Act.

Power of Commitment for Contempt.

LVII. And be it enacted, That if any Person shall wilfully insult the Judge or any Juror or Officer of the said Court for the Time being, during their Sitting or Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody; and the Judge may impose upon any such Offender a Fine not exceeding Five Pounds.

Fines how to be levied and accounted for.

LVIII. And be it enacted, That any Fine imposed by the Court under the Authority of this Act may be levied by the same Process as any Debt recovered in the said Court, and shall be accounted for as herein provided.

New Trials may be granted in certain Cases.

LIX. And be it enacted, That all Causes brought before a Jury under the Provisions of this Act shall be decided by the Verdict of the Jury so impannelled and sworn, and Judgment shall be given accordingly, except it shall appear to the Judge that a wrong Verdict shall have been returned in consequence of some Error or Mistake on the Part of the said Jury, in which Case it shall be lawful for the Judge, on the Application of either Party to the Action, to order a new Trial to be had in any such Cause, and in the meantime to stay the Proceedings thereon: Provided always, that if a Verdict be given for the same Party in a Second Trial, such Verdict shall be final, and no new Trial shall in any Case be granted after an absolute Order issued for Execution: Provided also, that no new Trial shall be granted in any Case, unless the Party applying for the same shall, prior to the same being granted, pay the Costs of the first Trial, and give such Security as shall be approved by the Judge for the Costs of such new Trial, or, being a Defendant in such Action, for the Debt found by the Verdict on such former Trial, as well as for the Costs of such new Trial.

Costs to abide Event of Action.

LX. And be it enacted, That all the Costs of or attending any Action in the said Court, not herein otherwise provided for, shall abide the Event of the Action, except such Costs as shall be occasioned by the Default or for the Convenience of any Party, and such last-mentioned Costs shall be paid by or apportioned between the Parties in such Manner as the Judge shall think fit.

What may be charged by Agents.

LXI. And be it enacted, That no Barrister, Attorney, or other Person shall be entitled of Right to be heard to argue any Question as Counsel or Advocate for any other Person in any Proceeding in the said Court; and no Person, not being an Attorney admitted in One of Her Majesty's Superior Courts at *Westminster*, shall be entitled to have or recover any Sum of Money for appearing or acting on behalf of any other Person in the said Court; and no Attorney shall be entitled to have or recover any thing therefor unless the Sum recovered shall be more than Forty Shillings, or to have or recover more than Six Shillings and Eight-pence unless the Sum recovered shall be more than Five Pounds, or more than Ten Shillings and Sixpence in any Case: Provided always, that the Expence of employing any Attorney or other Advocate, either by the Plaintiff or Defendant, shall not be considered as Costs in the Cause, unless the Judge shall so order.

Court may award Execution against Body or Goods.

LXII. And be it enacted, That the said Judge may make Orders directing at what Time or Times and in what Proportions any Sum of Money and Costs recovered by Judgment of the said Court shall be paid, and, at the Request of the Party entitled to the same, may order such Sum to be paid into Court; and whenever the Court shall have given a Judgment or made an Order for the Payment of Money it shall be lawful for the Judge immediately, or, in case of Default or Failure of Payment thereof, at the Times and in the Manner thereby directed, and either during the Sitting of the Court or at any other Time, to award Execution either against the Body or against the Goods and Chattels of the Party against whom such Order shall be made; and thereupon the Judge shall, at the Request of the Party prosecuting such Order, and either during the Sitting of the Court or at any other Time, issue a Warrant of Execution, under the Seal of the Court, to One of the Bailiffs of the Court, who by virtue of such Warrant is hereby empowered to take the Body of the Defendant in Execution, or to levy, by Distress and Sale of the Goods and Chattels of such Party within the Jurisdiction of the Court, such Sum of Money and Costs as shall be so ordered.

Execution where Payment to be made by Instalments.

LXIII. And be it enacted, That if the Court shall have made any Order for Payment of any Sum by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order, and it shall then be lawful for the Judge to issue Execution or successive Executions for the Whole or such Portions of the said Sum of Money and Costs then remaining unpaid as he shall think fit.

Provisions of Imprisonment for Debt Act to be applicable to Executions under this Act. 1&2 Vict. c. 110.

LXIV. And be it enacted, That the Provisions contained in an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Law for the Relief of Insolvent Debtors in* England, relating to any Writ of Fieri facias to be sued out of any Inferior Court, and to the Removal into any One of Her Majesty's Superior Courts of Record at *Westminster* of any Judgment, Rule, or Order of any Inferior Court of Record in which, at the Time of the passing of that Act, a Barrister of not less than Seven Years standing should act as Judge, Assessor, or Assistant on the Trial of Causes, and to the Force and Effect of any such Judgment, Rule, or Order when so removed, shall, notwithstanding any thing herein contained, be applicable to Executions against Goods, Chattels, and Personal Estate issued by the Court by this Act established; and such Provisions shall also be applicable to the Removal into any one of the said Superior Courts of Record of Judgments, Rules, and Orders of the said Court for the Payment of Money exceeding the Sum of Five Pounds, and to the Force and Effect of such Judgments, Rules, and Orders when so removed, in as full

and ample a Manner as if the said Court had been an Inferior Court of Record in which, at the Time of the passing of the said recited Act, a Barrister of not less than Seven Years standing had acted as Judge, Assessor, or Assistant in the Trial of Causes.

Power to suspend Execution in certain Cases.

LXV. Provided always, and be it enacted, That if it shall at any Time appear to the Satisfaction of the Judge, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or unavoidable Accident, to pay the Debt recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution made or issued in such Action, for such Period as the Judge shall think fit, and so from Time to Time until it shall appear by the like Proof that such Defendant is able to pay such Debt or Instalment.

For what Time Imprisonment shall be.

LXVI. And be it enacted, That every Person who shall be taken in Execution upon any such Warrant shall be committed to the Custody of the Sheriff of the County of *Gloucester*, or to some Common Gaol, and shall remain in Custody for such Time from the Day of his Commitment to Prison as shall be mentioned in the Warrant, not exceeding Twenty Days, or until he shall perform and obey the Order of the Court, or be discharged by due Course of Law: Provided always, that if any Person shall be committed or detained under more than One Warrant, he shall not remain in Custody under any Number of such Warrants longer than Forty Days at any One Time.

Treasurer to pay Allowance to Prisoners.

LXVII. And be it enacted, That the Treasurer of the said Court shall allow and pay, out of the General Fund of the said Court, such reasonable Sums as the Justices of the said County shall from Time to Time determine to be fit and proper for keeping and maintaining in Prison the Persons committed to Prison under any such Warrants as aforesaid.

Judge may allow Maintenance to sick or poor Prisoners.

LXVIII. And be it enacted, That if it shall appear to the Judge of the said Court, on Application being made to him, that Relief and Maintenance are necessary for the Support of any One or more of the Prisoners who, from Sickness or some other Cause, are then unable to maintain themselves, the Judge shall order the Treasurer of the Court to allow and pay out of the Funds of the Court to every such Prisoner such Sum of Money, not exceeding Sixpence *per* Day, as shall appear to the Judge to be necessary for his Relief.

Regulating the Sale of Goods taken in Execution.

LXIX. And be it enacted, That no Sale of any Goods which shall be taken in Execution as aforesaid shall take place until after the End of Eight Days at least next following the Day on which such Goods shall have been so taken, unless upon Request in Writing under the Hand of the Party whose Goods shall have been taken, and until such Sale the Goods shall be deposited by the Bailiff in some fit Place, to be appointed by the Clerk of the Court; and it shall be lawful for the Judge from Time to Time, as he shall think proper, to appoint such and so many Sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under this Act, as shall appear to him to be necessary, and to direct Security to be taken from each of them, for such Sum and in such Manner as he shall think fit, for the faithful Performance of their Duties without Injury or Oppression, and the Judge may dismiss any Broker or Appraiser so appointed.

Distresses to be within the Provisions of 7 & 8 G. 4. c. 17.

LXX. And be it enacted, That every such Execution and Sale shall be taken to be within all the Provisions of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act for extending the Provisions of an Act made in the Fifty-seventh Year of King* George *the Third, for regulating the Costs of certain Distresses.*

Cross Judgments.

LXXI. And be it enacted, That if there shall be Cross Judgments between the Parties, Execution shall be taken out by that Party only who shall have obtained Judgment for the larger Sum, and for so much only as shall remain after deducting the smaller Sum; and Satisfaction to the Extent of the smaller Sum shall be entered, as well as Satisfaction on the Judgment for the smaller Sum, and if both Sums shall be equal, Satisfaction shall be entered upon both Judgments.

How Executions may be had out of the Jurisdiction.

LXXII. And be it enacted, That if any Bailiff of the said Court to whom a Warrant of Execution shall be directed against the Body or Goods of any Person according to the Provisions of this Act shall not find such Person, or sufficient Goods and Chattels belonging to him, within the Jurisdiction of the Court, it shall be lawful for such Bailiff to apply to any Justice of the Peace acting for the County or Place in which such Person or his Goods and Chattels shall be out of the Jurisdiction of the said Court, and upon such Officer producing to such Justice such Warrant, and making Oath (which Oath such Justice is hereby empowered to administer) that the same has been duly issued out of the said Court, and that the Person or Goods and Chattels (as the Case may be) of such Person is or are not to be found within the Jurisdiction of the said Court, but is or are believed by such Officer to be within the County or Place where such Justice acts, such Justice shall sign his Name on the Back of such Warrant, and thereupon such Bailiff shall have Power to take the Body or Goods and Chattels of such Person (as the Case may be) wheresoever the same shall be found within such County or Place, and deal therewith in like Manner as if the same had been taken within the Jurisdiction of the said Court; and all Constables and other Peace Officers are hereby required to be aiding within their respective Jurisdictions in the Execution of the Warrant so endorsed as aforesaid.

Execution to be superseded on Payment of Debt and Costs.

LXXIII. And be it enacted, That upon every Warrant of Execution awarded against the Body or against the Goods and Chattels of any Person whomsoever, the Clerk of the Court shall cause to be endorsed the Sum of Money, and Costs adjudged; and if the Party against whom such Execution shall be awarded shall, before an actual Sale of the Goods and Chattels, or before he is apprehended, or before the Expiration of the Term of his Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court such Sum of Money as aforesaid, or such Part thereof as the Plaintiff shall agree to accept in full of his Debt, together with the Fees herein directed to be paid, the Execution shall

shall be superseded, and the Body or Goods and Chattels of the said Party shall be discharged and set at liberty.

Claims not exceeding 15*l.* as to Goods taken in Execution to be adjusted in this Court.

LXXIV. And be it enacted, That if any Claim shall be made in respect of any Goods or Chattels taken or intended to be taken in Execution under any Process of the said Court, or in respect of the Proceeds or Value thereof, by any Person not being the Party against whom such Process shall have issued, and if the Claim so made shall not exceed the Sum of Fifteen Pounds, it shall be lawful for the Judge of the Court, upon Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to summon before the said Court as well the Party issuing such Process as the Party making such Claim, if resident, trading, or dealing within the Hundred aforesaid, and thereupon to adjudicate upon such Claim, and to make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to the Judge shall seem fit, and to enforce such Order in like Manner as any Order made in any Suit brought in such Court.

Claims exceeding 15*l.* as to Goods taken in Execution to be adjusted in the Superior Courts.

LXXV. And be it enacted, That if the Amount of the Claim made as aforesaid shall exceed the Sum of Fifteen Pounds, or if the Party making such Claim shall not be residing, trading, or dealing within the Hundred aforesaid, it shall be lawful for such Officer, if any Action shall have been brought in any of Her Majesty's Superior Courts at *Westminster*, to apply to such Court, or to One of the Judges of such Court, and if no such Action shall have been brought, then to apply to any One of Her Majesty's Superior Courts, or to any Judge thereof; and upon such Application being so made such Court or Judge shall use all the Powers for the Adjustment of such Claim, and for the Relief and Protection of such Officer, as on the Application of any Sheriff or other Officer in the Case of Process issuing out of such Court by virtue of an Act passed in a Session holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims:* Provided always, that if it shall appear to such last-mentioned Court that the Value of the Goods or Chattels claimed as aforesaid, or of the Rights of the Party making any Claim in respect thereof, do not exceed the Sum of Fifteen Pounds, and that the Party making such Claim was at the Time of making the same residing, trading, or dealing within the Hundred aforesaid, the Court to which such Application as aforesaid shall be made, or any Judge thereof, may order the Party so claiming to pay the Costs of all Proceedings had as aforesaid in the Superior Court.

1 & 2 W. 4. c. 58.

Minutes of Proceedings to be kept.

LXXVI. And be it enacted, That the Clerk of the said Court shall cause a Note of all Plaints and Summonses, and of all Orders, and of all Judgments and Executions and Returns thereto, and of all Fines, and of all other Proceedings of the Court, to be fairly entered from Time to Time in a Book which shall be kept at his Office, and the Clerk shall sign his Name at the Bottom of every Page of such Book; and Entries so signed, or a Copy thereof, purporting to be signed and certified as a true Copy by the said Clerk, shall at all Times be admitted in all Courts as Evidence of such Entries, and of the Proceedings referred to by such Entries, without further Proof.

Justices to direct how the Accounts shall be kept.

LXXVII. And be it enacted, That the Justices of the said County in Quarter Sessions assembled shall from Time to Time make such Rules as to them shall seem meet for securing the Balances and other Sums of Money belonging to the Suitors of the Court, in the Hands of any Officers thereof, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for keeping and auditing the Accounts of the Court, and shall direct such Sums to be paid out of the General Fund of the Court, for the Expence of auditing such Accounts, as to them shall seem proper.

List to be made out of unclaimed Money.

LXXVIII. And be it enacted, That the Clerk of the Court shall, in the Month of *January* in each Year, make out a correct List of all Sums of Money which shall have been paid into Court, and which shall have remained unclaimed for the Space of Twelve Calendar Months before the making out of such List, specifying the Names of the Parties who paid such Sums, and also the Names of the Parties for whom or on whose Account the same were so paid into Court, and such List shall be put up and remain in some conspicuous Part of the Court; and no Person shall be entitled to claim any Monies which may have remained in Court unclaimed for the Space of Six Years, but all such Monies shall be applicable as Part of the General Fund of the Court.

Account of Fees and Monies to be rendered to the Judge when required.

LXXIX. And be it enacted, That the Clerk and Treasurer of the said Court shall from Time to Time, as often as they respectively shall be required so to do by the Judge, deliver to him a full Account in Writing of the Fees and Monies received by them respectively under the Authority of this Act, and a like Account of all Fines paid to the Court under this Act, after deducting the reasonable Expences of levying the same, and any Allowance which the Judge may have made out of any such Fine in pursuance of the Powers herein contained, and a like Account of the Monies paid into and received out of Court by the Defendants and Plaintiffs under any Orders or Decrees of the Court, or under any Levy made under Process of the Court, and of the Balance then remaining in Court belonging to the Plaintiffs or Defendants in the said Court.

Annual Account to be transmitted to the Clerk of the Peace, and laid before the Quarter Sessions.

LXXX. And be it enacted, That the said Clerk and Treasurer shall also, on or before the Thirty-first Day of *January* in every Year, deliver into the Office of the Clerk of the Peace of the said County a like Account, verified by a Declaration of the Accuracy thereof, made before some Justice of the said County, of all such Fees, Fines, and Monies as aforesaid, after making such Deductions as aforesaid, which shall have been received or paid into Court between the First Day of *January* and the Thirty-first Day of *December* of the preceding Year; and such last-mentioned Account shall be laid before the Justices of the said County in Quarter Sessions assembled at the First Sessions after the said Thirty-first Day of *January*, and shall be examined by them; and in case it shall be found that the General Fund is more than sufficient for defraying all Charges upon it, or if the Fees hereby given to the Judge, or the

Fees may be diminished if

Produce excessive.

Clerk or Bailiffs of the Court, shall appear to be more than sufficient, it shall be lawful for such Justices to lessen the Amount of the Sum of Money to be paid for raising the said General Fund, and the Fees to be taken in the Court, in such Manner as to them shall seem fit; and it shall be lawful for the said Justices, in case such Fund or Fees, or any of them, shall be found to be insufficient for the respective Purposes to which the same are applicable, again to increase such Sums of Money or Fees, so that the said Sums of Money, or the Scale of Fees given in the Schedule to this Act, be not in any Case exceeded.

Penalties to be recovered before a Justice, and levied by Distress.

LXXXI. And be it enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon Proof before any Justice or Justices of the Peace having Jurisdiction within the County or Place where the Offender shall reside or be, or the Offence shall be committed, either by the Confession of the Party offending or by the Oath of any credible Witness, be levied, together with the Costs attending the Summons and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand of any such Justice, and the Overplus (if any), after any such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

In default of Security, Offender may be detained till Return of the Warrant of Distress.

LXXXII. And be it enacted, That if any such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, and which Security such Justice is hereby empowered to take, by way of Recognizance or otherwise, as to him shall seem fit.

In default of Distress the Offender may be committed.

LXXXIII. And be it enacted, That if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that he hath not, within the Jurisdiction of such Justice, sufficient Goods and Chattels whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice may, at his Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction of the County, Riding, Hundred, or Place where such Offender shall live or reside, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Penalties to go into the General Fund.

LXXXIV. And be it enacted, That the Monies arising from any such Penalties, Forfeitures, and Fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be from Time to Time paid to the Clerk of this Court, and shall be applied in aid of the General Fund thereof.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXV. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him; and all such Proceedings by Summons, without Information in Writing, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

LXXXVI. And be it enacted, That in all Cases where any Conviction shall be had for any Offence committed against this Act, the Form of Conviction may be in the Words or to the Effect following; (that is to say,)

'BE it remembered, That on this Day of in the Year of our
' to wit. } Lord *A. B.* is convicted before of Her Majesty's Justices
' of the Peace for the or before the Judge appointed under an Act
' passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert*
' *the Title of this Act*], of having [*state the Offence*], and I [*or* we] the said do adjudge
' him [her *or* them] the said to forfeit and pay for the same the Sum of
' or to be committed to for the Space of . Given under my Hand and
' Seal [*or* our Hands and Seals], the Day and Year aforesaid.'

Distress not to be unlawful for Want of Form.

LXXXVII. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Plaintiff not to recover after Tender of Amends.

LXXXVIII. And be it enacted, That no Plaintiff shall recover in any Action against any Person for any thing done in pursuance of this Act if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Saving of Rights.

LXXXIX. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice, make void, alter, or otherwise affect any of the Rights, Franchises, Privileges, and Jurisdictions of the

the Lords for the Time being of the several Baronies and Manors within the Jurisdiction of the said Court, and the several Courts to such Baronies and Manors appertaining; but that all the said Rights, Franchises, Privileges, and Jurisdictions shall be and remain of the same Force and Authority to all Intents and Purposes as if this Act had not been passed.

Saving Jurisdiction of certain Forest Courts.

XC. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice, make void, control, diminish, or abrogate, or in any Manner affect, the Powers, Duties, Privileges, or Authorities of the Swainmote or Swanimote Court of Her Majesty's Forest of *Dean* in the said Hundred or County, or the Court of Attachment Verderers or Forty-day Court, which hitherto hath or have been held in or for the said Forest.

This Act to cease on the passing of any general Act;

XCI. Provided always, and be it enacted, That at the Expiration of Six Calendar Months next after any general Act shall be passed, either in the present or any future Session of Parliament, for the Recovery of Small Debts, or for regulating the Practice of the County Courts of *England*, and the Operation of which general Act shall be inconsistent with the Powers given by this Act as to the said Hundred of *Saint Briavel's*, every thing in this Act which shall give to the said Court hereby established, or the Judge thereof, any local or separate Jurisdiction, shall cease and determine; and no Judge or Officer of the said Court shall be deemed to be entitled to any Compensation for the Loss of his Office by reason of the passing of such general Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Court hereby established shall, from a Time to be mentioned in the Order, be holden as for a District of the County Court under such general Act; and it shall be lawful for Her Majesty, with the Advice aforesaid, to assign the said Hundred of *Saint Briavel's* as a District to such Court, and from and after the Time mentioned in the Order such Court shall be holden as a Branch of the County Court under such general Act in all respects as if it had originally been constituted under the Provisions of such general Act: Provided always, that the Clerks, Bailiffs, and inferior Officers who may be appointed to the said Court established by this Act shall be the first Clerks, Bailiffs, and Officers of the said Court when holden as a Branch of the County Court under such general Act, and shall continue to execute their Offices: Provided also, that all Proceedings, Acts, Judgments, Orders, or Decrees to be made by Order of any Person holding the Court by this Act established, and acting in execution of this Act, before the Day herein appointed for the Alteration of the Constitution of the Court by this Act established, and all Acts, Executions, Distresses, Imprisonments, Penalties, Proceedings, and Forfeitures to be done, suffered, recovered, or executed in pursuance of such Judgments, Orders, and Decrees, or any of them, shall be as valid to all Intents and Purposes as if the said Court by this Act established had not been altered, and may be continued, executed, and enforced against all Persons liable thereto by the Judge and his Successors to be appointed under any such general Act for the District including the Place or Places in which such Court may be holden, in the same Manner as if such Proceedings, Acts, Judgments, Orders, and Decrees respectively had been commenced, carried on, and made under the Authority of such general Act.

and the Court hereby established to become a District of the County Court.

Establishment of Officers.

Validity of Proceedings.

Property belonging to the Court to be transferred according to the Provisions of any such general Act.

XCII. And be it enacted, That in case any such general Act as last aforesaid shall be passed, the Treasurer for the Time being acting in the Execution of this Act shall with all convenient Speed after the passing thereof cause any Messuages, Lands, Tenements, or Hereditaments which may at that Time be the Property of the said Court to be sold by public Auction or private Contract for the best Price in Money that can be reasonably gotten for the same; and the Money arising from such Sale, together with any Money or Securities for Money, or other Property of any Description, then in the Hands or under the Control of the said Court or Treasurer, shall be applied, under the Direction of the said Court, in paying and discharging all Claims and Demands to which such Money or Securities may be liable; and the Surplus thereof shall, at or before the Expiration of Six Calendar Months from the passing of such Act, be paid or transferred to such Persons and in such Manner as by any such Act shall be directed; and in case any such Messuages, Lands, or Hereditaments shall not have been sold within the said Six Calendar Months, then the same shall at the Expiration of that Period cease to be the Property of the said Court, and shall belong to and absolutely vest in the Persons who, under or by virtue of any such general Act as aforesaid, shall be entitled to the same, or to the Proceeds arising from the Sale thereof.

Saving the Rights of the Crown.

XCIII. Provided always, and be it enacted, That (except as regards the Jurisdiction of *Saint Briavel's* Court by this Act expressly abolished) nothing herein contained shall be deemed or construed to abrogate, make void, lessen, prejudice, or in any Manner affect or impair any Estate, Right, Title, Liberty, Privilege, Franchise, Royalty, Jurisdiction, Power, or Authority or Prerogative vested in or appertaining or belonging to the Queen's most Excellent Majesty, Her Heirs or Successors.

Interpretation of Act.

XCIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall be taken to include Corporation.

Act may be amended, &c.

XCV. And be it enacted, That this Act may be amended or repealed during the present Session of Parliament, either by an Act passed for the express Purpose of altering or repealing the same, or by an Act of which the Provisions shall be inconsistent with the Provisions herein contained.

Public Act.

XCVI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULE to which this Act relates.

Summons.

Demand - £
Costs

Court of Requests.

You are hereby summoned and required to appear at the next Court to be holden at on next, the Day of at of the Clock of the same Day, to answer to the Complaint of who saith that you [*here insert shortly the Grounds of the Action*], and in case you fail to appear the Complainant will obtain Judgment and Execution against you by your Default.

Dated the Day of in the Year of our Lord 18 .

To . By the Court.

L. S.

Order for Payment of a Sum recovered.

Court of Requests holden at on the Day of 18 .

Between Plaintiff,
And Defendant.

It is ordered, That the Defendant do pay to the Plaintiff the Sum of £ Debt, and Costs, on the next after Notice of this Order.

By the Court.

Entered Clerk.

Order for Payment by Instalments.

Court of Requests holden at on the Day of 18 .

Between Plaintiff,
And Defendant.

It is ordered, That the Defendant do pay to the Plaintiff the Sum of £ on the next after Notice of this Order, and the further Sum of £ on every following until Payment of the full Sum of £ Debt and Costs be satisfied.

At per Week.

By the Court.

Entered Clerk.

L. S.

Warrant against Goods.

Court of Requests.

To one of the Bailiffs attending the Court at .

Debt - £
Costs - £
£
Paid - £
Levy - £
£

You are hereby commanded to levy and cause to be made of the Goods and Chattels of the Sum of £ Pounds Shillings and pence, so that you have the said Money at the next Court to be holden at to satisfy for the Debt and Costs adjudged to by the said Court. Herein fail not, as you will answer for the same at your Peril.

Given under the Seal of the said Court, this Day of 18 .

By the Court.

Warrant against the Person.

L. S.

Court of Requests.

To one of the Bailiffs attending the Court at .

Plaintiff against Defendant.

Debt - £
Costs - £
£
Paid - £
Levy - £
£

You are hereby commanded to take into your Custody the Body of and also to deliver h into the Custody of the Governor or Keeper of the for there to remain for the Space of Days, for neglecting and refusing to abide by and perform an Order made by the Court of Requests in a certain Plaint depending in the said Court wherein was Complainant, and the said was Defendant, whereby it was ordered that the Defendant pay to the Plaintiff £ Debt and Costs:

Received this Day of 18 of the Defendant the Sum of being the Debt and Costs in the above-named Suit.

Bailiff.

Provided nevertheless, that if the said shall, before the Expiration of the said Days, pay the said Debt and Costs, together with Increase of Costs, he is to be forthwith discharged.

Given under the Seal of the said Court, this Day of 18 .

By the Court.

SCHE-

SCHEDULE OF FEES.

Judge's Fees.	On Debts not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
	s. *d.*	*s.* *d.*	*s.* *d.*
For every Summons	1 0	2 0	3 0
For every Hearing or Trial without a Jury	2 6	7 6	10 0
For every Hearing or Trial with a Jury	- -	10 0	15 0
For every Order, Decree, or Judgment	1 0	2 0	3 0

Clerk's Fees.	On Debts not exceeding 40*s.*	On Debts exceeding 40*s.* and not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
For entering every Plaint	0 6	1 0	1 6	2 0
Issuing every Summons or Subpœna	0 6	1 0	1 6	2 0
Every Hearing or Trial without a Jury	1 0	1 6	2 0	2 6
Adjournment of any Cause	0 3	0 4	0 6	0 8
Entering and giving Notice of any Set-off or special Defence	0 6	0 9	1 3	1 6
Swearing any Witness, Plaintiff or Defendant	0 4	0 6	0 8	1 0
Entering and drawing up every Judgment, Decree, or Order	0 6	1 0	2 0	2 6
Copy of every Order or Judgment	0 3	0 6	1 0	1 3
Every Nonsuit	0 6	1 0	2 0	2 6
Paying Money into Court, and entering same in Books	0 3	0 4	0 6	0 8
Every Search, including Payment of Money into and out of Court, and entering same	0 4	0 6	1 0	1 3
Every Receipt on Payment of Money out of Court (exclusive of Stamps)	0 4	0 6	1 0	1 3
Issuing every Attachment, Precept, Order, or Execution	1 0	1 6	2 6	3 0
Entering Acknowledgment of Satisfaction in full	0 6	1 0	2 0	2 6
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Judge, Clerk, or other Officer of the Court	1 0	1 0	1 0	1 0
Entering and giving Notice to opposite Party of Jury being required	- -	- -	2 0	3 0
Summons for Jury, and Copies in each Case	- -	- -	2 0	3 0
Swearing Jury	- -	- -	1 0	2 0
For every Hearing or Trial with a Jury	- -	- -	4 0	5 0
Taking Recognizance or Security for Costs	- -	- -	2 6	3 0
For inquiring into Sufficiency of Sureties proposed, and taking Recognizance on Removal of Plaint or Grant of new Trial	- -	- -	3 4	6 8
Notice of Payment of Debt into Court	0 6	1 0	1 6	2 0
Taxing Costs	1 0	1 0	2 0	3 0

Bailiff's Fees.	On Debts not exceeding 40s.	On Debts exceeding 40s. and not exceeding 5l.	On Debts exceeding 5l. and not exceeding 10l.	On Debts exceeding 10l.
	s. d.	s. d.	s. d.	s. d.
For calling every Plaintiff or Defendant - -	0 2	0 3	0 5	0 6
For serving every Summons, Notice, Order, or Subpœna within One Mile of the Court House - - -	0 4	0 6	0 10	1 0
If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House -	0 2	0 3	0 4	0 4
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body - - - -	1 0	1 6	2 6	3 0
If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House -	0 2	0 3	0 4	0 4
If an Assistant Bailiff be necessary in the Judgment of the Court, then for an Assistant - -	0 6	1 0	2 0	2 6
If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House -	0 2	0 3	0 4	0 4
For conveying every Plaintiff, Defendant, or Delinquent to Prison, (including all Expences and Assistants,) for every Mile - - - - -	1 0	1 0	1 0	1 0

CAP. LXXXIV.

An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo. [5th *August* 1842.]

'WHEREAS it is expedient to alter and amend the Practice and the Course of Proceeding under 'Commissions in the Nature of Writs De lunatico inquirendo;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Chancellor to appoint Two fit and proper Persons, being respectively Serjeants or Barristers at Law of not less than Ten Years Standing at the Bar, to be called "The Commissioners in Lunacy," and that in future all Commissions in the Nature of Writs De lunatico inquirendo shall be directed or addressed to such Commissioners or One of them; and that such Commissioners shall hold their Offices during good Behaviour, and shall, jointly and severally, have, perform, and execute all the Powers, Duties, and Authorities now had, performed, and executed by Commissioners named in Commissions in the Nature of Writs De lunatico inquirendo.

Power to Lord Chancellor to appoint Two Commissioners.

II. And be it enacted, That every Commissioner to be appointed by virtue of this Act shall, before he shall be capable of acting in the Execution of any of the Powers and Authorities given by this Act, take the following Oath; (that is to say,)

Oath of Commissioners.

'I do swear, That I will faithfully, impartially, and honestly, according to the 'best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as One of the 'Commissioners in Lunacy, and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

And that such Oath shall be taken before the Lord Chancellor, in like Manner as the usual Oaths are administered before the Lord Chancellor to Masters in Ordinary of the said Court of Chancery.

Lord Chancellor may direct Commissioners to perform the Duties in Lunacy usually referred to Masters in Chancery.

III. And be it declared and enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to order and direct that any of the Inquiries and Matters connected with the Persons and Estates of Lunatics, usually referred to the Masters in Ordinary of the High Court of Chancery, shall be referred to such Commissioners or One of them; and such Commissioners shall, jointly or severally, have, perform, and execute all the Powers, Duties, and Authorities relating to the said Inquiries and Matters so to be referred to them as aforesaid, now had, performed, and executed by the Masters in Ordinary of the said Court of Chancery, and such other Duties for the Security and Advantage of Lunatics and their Estates as the Lord Chancellor shall from Time to Time order and direct.

Commissioners to be ex officio Visitors of Lunatics.

IV. And be it enacted, That the said Commissioners shall, by virtue of their Appointments to be such Commissioners as aforesaid, be and become Visitors for superintending, inspecting, and reporting upon, under the Order and Direction of the Lord Chancellor, the Care and Treatment of all Persons found idiot, lunatic, or of unsound Mind by Inquisition, jointly with the Three Visitors appointed under the Authority of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act to diminish the Inconvenience and Expence of Commissions in the*

3 & 4 W. 4. c. 36.

the Nature of Writs De lunatico inquirendo; and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind found such by Inquisition, and shall severally have, perform, and execute the like Powers, Duties, and Authorities as are had, performed, and executed by the One of the said Visitors being a Barrister.

Commissioners to execute such Duties as the Lord Chancellor directs.

V. And be it enacted, That the Commissioners to be appointed by virtue of this Act shall execute Commissions in the Nature of Writs De lunatico inquirendo, and shall conduct Inquiries connected with Lunatics or their Estates, and shall perform all other Duties to be committed to them by virtue of this Act, either separately or together, and at such Places, and within such Times, and in such Manner as the Lord Chancellor shall from Time to Time order and direct: Provided always, and it is hereby declared, that nothing in this Act contained shall be deemed or taken to prevent the Lord Chancellor from issuing any Commission in the Nature of a Writ De lunatico inquirendo, addressed to any fit and proper Person or Persons, in addition to such Commissioners so to be appointed as aforesaid, if he shall, upon any Occasion, deem it proper to do so.

Lord Chancellor may appoint Special Commissioners.

Appointment of Successors to Commissioners.

VI. And be it enacted, That upon the Death, Resignation, or Removal from Office of any such Commissioner as aforesaid to be appointed under the Authority of this Act, it shall be lawful for the Lord Chancellor to appoint a fit and proper Person, qualified as aforesaid, to supply such Vacancy.

Power to Lord Chancellor to regulate the Practice in Lunacy.

VII. And be it declared and enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to make such Orders as to him shall seem fit and proper for regulating the Form and Mode of proceeding before and by the said Commissioners, and the Practice in Matters in Lunacy: Provided always, that a Copy of such Orders shall be laid before both Houses of Parliament within Fourteen Days after the same are made, if Parliament be then sitting, or if not, within Fourteen Days after the Commencement of the next Session of Parliament.

Regulating Number on Juries (not being less than Twelve).

VIII. And be it enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to make such Order or Orders as he shall deem fit for regulating and fixing the Number of Jurymen who shall be sworn to try Inquests on Commissions in the Nature of Writs De lunatico inquirendo; provided that every Inquisition on such Commissions shall be found by the Oaths of Twelve Men.

Appointing Officers, Clerks, and Messengers.

IX. And be it enacted, That from and after the passing of this Act such Officers, Clerks, and Messengers in the Office of the said Commissioners as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall determine to be necessary and proper, shall and may be from Time to Time appointed.

The Office of Clerk of the Custodies abolished.

X. 'And whereas by an Act passed in the Second and Third Year of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act to abolish certain Sinecure Offices connected with the Court 'of Chancery, and to make Provision for the Lord High Chancellor on his Retirement from Office,* it was 'enacted, that (amongst other Offices) the Office of the Clerk of the Custodies of Lunatics and Idiots 'should cease and determine after the Twentieth Day of *August* One thousand eight hundred and thirty-'three; provided that nothing in that Act contained should be construed to determine any of the afore-'said Offices then held in Possession or Reversion by any Person appointed thereto on or before the 'First Day of *June* One thousand eight hundred and thirty-two, until the Decease or Resignation of 'such Person: And whereas the present Clerk of the Custodies of Idiots and Lunatics held the said 'Office in Possession before the said First Day of *June* One thousand eight hundred and thirty-two: 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King '*William* the Fourth, intituled *An Act to provide for the Performance of the Duties of certain Offices* 3 & 4 W. 4. c. 84. '*connected with the Court of Chancery which have been abolished,* it was enacted, that from and after the 'Death, Resignation, or Removal of the Person then holding the Office of Clerk of the Custodies of 'Idiots and Lunatics the Duties of such Office should be performed by the Secretary of Lunatics, in 'addition to such other Duties as such Secretary should be required to perform; and that the Fees and 'Emoluments of the said Office of Clerk of the Custodies should be accounted for and paid into the 'Revenue of Her Majesty's Exchequer, to be carried to and made Part of the Consolidated Fund of the 'United Kingdom of *Great Britain* and *Ireland:* And whereas the said Office of Clerk of the Custodies 'of Idiots and Lunatics is productive of unnecessary Expence to the Estates of Idiots, Lunatics, and 'Persons of unsound Mind, found such by Inquisition, and it is fit and desirable that such Office and the 'Fees thereof should be abolished as soon as can be:' Be it therefore enacted, That it shall be lawful for the Lord Chancellor to order and direct, as soon as he may find it practicable so to do, having regard to the State of the Funds herein-after mentioned, that the said Office of Clerk of the Custodies of Idiots and Lunatics and the Fees thereof shall cease and determine, and that the said Commissioners or the Secretary of Lunatics shall thenceforth do and perform any of such Acts, Deeds, Matters, and Things as have heretofore been done and performed in execution of the Duties of the said Office of Clerk of the Custodies, and all such Acts to be done by the said Commissioners and the Secretary of Lunatics shall in all respects have the same Force and Effect as if the same had been done by the Clerk of the Custodies or his Deputy; and that all the Records, Proceedings, Books, Papers, and Documents in the said Office of Clerk of the Custodies shall thereupon be by him delivered to such Person or Persons as the Lord Chancellor shall by any Order appoint; and that so much of the said last-recited Act as enacts that there shall be paid out of the said Consolidated Fund to the Secretary of Lunatics, for Expences attending the Office of Clerk of the Custodies of Idiots and Lunatics, the yearly Sum of Two hundred Pounds, shall be and the same is hereby repealed.

2 & 3 W. 4. c. 111.

Lord Chancellor to fix Tables of Fees,

XI. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to order such Fees to be received and taken by the Clerks to the Commissioners to be appointed under this Act, and

to be paid into Suitors Fee Fund.

and also such Fees to be received and taken by the Secretary of Lunatics, as the Lord Chancellor shall in either Case judge reasonable and proper; and that the said Clerks to the Commissioners and the Secretary of Lunatics shall and may thereafter take and receive such Fees respectively, and shall pay into the Bank of *England*, at such Times, and in such Manner, and under such Regulations, as the Lord Chancellor shall from Time to Time order and direct, all Fees or Sums of Money so received by them, and that the several Sums, when so paid in, shall be placed to the Credit of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors Fee Fund Account."

Fees formerly payable to Lord High Chancellor to be paid into Fee Fund. 2&3W.4.c.122.

XII. 'And whereas by an Act passed in the Second and Third Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act for making further Provision for the Lord High Chancellor 'of* England *in lieu of Fees heretofore received by him*, it is enacted (amongst other things), that the Fees 'and Emoluments accruing due and payable as therein mentioned for Business done in the Offices of the 'Clerk of the Crown, the Clerk of the Letters Patent, the Secretary of Fines, and the Pursebearer to the 'Lord Chancellor for the Time being, shall be paid into the Bank of *England*, in the Name of the 'Accountant General of the said Court, to an Account to be intituled "An Account of Fees formerly 'payable to the Lord Chancellor;"' be it enacted, That all such Fees and Emoluments now due, and henceforth to accrue due and payable, as in the said last-mentioned Act mentioned, when paid into the Bank of *England* in the Name of the Accountant General of the said Court, shall be placed to the Account of "The Suitors Fee Fund Account," instead of the said Account intituled "An Account of Fees formerly payable to the Lord Chancellor," and be applied as Part of the Fund standing to the Credit of the said Account intituled "The Suitors Fee Fund Account."

Salaries of Commissioners.

XIII. And be it enacted, That out of the said Fund standing to the Credit of the Accountant General of the Court of Chancery, intituled "The Suitors Fee Fund Account," there shall be paid (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Court of Chancery to be from Time to Time made for that Purpose, to each of the Commissioners for the Time being to be appointed under this Act, the yearly Sum or Salary of Two thousand Pounds, such yearly Sums or Salaries to be payable free from all Taxes, Deductions, and Abatements whatsoever out of the same or any Part thereof, and to be paid by equal quarterly Payments on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year; the First of such Payments, or proportionate Parts thereof, to be computed from the Time of their respective Appointments, to be made on such of the same Days of Payment as shall first happen after the Dates of such Appointments.

Salaries of Officers, Clerks, &c., and Allowances to Commissioners and Secretary of Lunatics.

XIV. And be it enacted, That the Officers, Clerks, and Messengers who shall be appointed as hereinbefore directed, and the Secretary of Lunatics and his Clerks, shall receive by way of Salary for the Performance of their several Duties such annual Sums as the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine; and that the same and such Allowances to the said Commissioners for their travelling and other Expences, and to the said Commissioners and the Secretary of Lunatics for providing Offices, and for the other Expences incident to the Discharge of the Duties of their respective Offices as the Lord Chancellor shall think reasonable, and shall from Time to Time order and direct, shall be paid and payable at such Times and in such Manner as the Lord Chancellor shall direct, under an Order of the Court of Chancery, out of the said Fund intituled "The Suitors Fee Fund Account."

Retiring Annuities to Commissioners.

XV. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall so think fit) an Annuity or clear yearly Sum of Money, not exceeding Twelve hundred Pounds, to be paid out of the said Account intituled "The Suitors Fee Fund Account," (but subject as aforesaid,) to any Person or Persons executing the said Office of a Commissioner in Lunacy, if and when such Person or Persons shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England* out of the said Fund intituled "The Suitors Fee Fund Account," (but subject as aforesaid,) by equal quarterly Payments, on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, to such Person or Persons, from the Period when he or they shall resign his said Office, for the Term of his Life, free from Taxes, or proportionate Part of the First quarterly Payment of such Annuity or yearly Sum, calculated from the Day of the Resignation of such Person or Persons, to be made on the quarterly Day of Payment which shall first happen after the Day of such Resignation as aforesaid.

Compensations to Officers.

XVI. And be it enacted, That it shall be lawful for any Officer or Person whose Office or Appointment may be abolished or affected by virtue of this Act, and who may not be appointed to any Office under this Act, to make a Claim for Compensation, within Six Months after the passing of this Act, to the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury, who shall proceed, in such Manner as they may think proper, to inquire whether any Compensation ought to be made to any such Claimant, and if any, what were the lawful Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury, they are hereby authorized and empowered to fix and determine, by an Order under their Hands, the Amount of the annual Compensation which shall seem to them to be just and reasonable for the Loss sustained by such Claimant, not being

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in any Case, where his Office is wholly abolished by this Act, less than Three Fourth Parts of the full net annual Value of the lawful Fees and Emoluments of the Office so abolished; and the Amount of the net annual Value of the Emoluments of such Office shall be ascertained and fixed by the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury according to such an Average of yearly Receipts and Disbursements prior to the passing of this Act as they shall think proper; and the Times when such annual Compensations shall commence and also be payable (whether quarterly or otherwise) shall also be fixed by the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury; and all the Compensations fixed and determined as aforesaid shall be issued and paid and payable by the Governor and Company of the Bank of *England*, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the said Account intituled "The Suitors Fee Fund Account" (but subject and without prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout): Provided nevertheless, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

Construction of Act.

XVII. And be it enacted, That in the Construction of this Act the Words "Lord Chancellor" shall be taken to mean and include also the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of the United Kingdom of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind; and that all Powers hereby given to or vested in the Commissioners of Her Majesty's Treasury by this Act may be executed by any Three of such Commissioners for the Time being.

Act may be amended, &c.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXV.

An Act to amend the Law relative to legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

[5th *August* 1842.]

1 & 2 Vict. c. 96.
2 & 3 Vict. c. 68.
3 & 4 Vict. c. 111.

'WHEREAS an Act was passed in the Second Year of the Reign of Her Majesty, intituled *An Act to amend the Law relative to legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies:* And whereas the said Act, by Two Acts severally passed in the Third and in the Fourth Year of Her Majesty's Reign, has been continued until the Thirty-first Day of *August* in the Year One thousand eight hundred and forty-two, and by the last-mentioned Act the Provisions of the first-recited Act were extended: And whereas it is expedient that the first-recited Act, as extended by the last-mentioned Act, should be made perpetual;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the first-recited Act, as extended by the said Act of the Fourth Year of the Reign of Her Majesty, shall be perpetual.

1 & 2 Vict. c. 96. made perpetual.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXVI.

An Act for abolishing certain Offices on the Revenue Side of the Court of Exchequer in *England*, and for regulating the Office of Her Majesty's Remembrancer in that Court.

[5th *August* 1842.]

5 Vict. c. 5.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to make further Provisions for the Administration of Justice*, the Jurisdiction of Her Majesty's Court of Exchequer as a Court of Equity was transferred to the Court of Chancery, and Provision is by the said Act made for compensating the Secondaries, Sworn Clerks, Side Clerks, and other Persons, in the Office of Her Majesty's Remembrancer, in respect of their Fees and Emoluments of the Equity Business of the said Court of Exchequer; and by the same Act Three of the said Sworn Clerks and Two of the said Side Clerks were appointed to Offices in the Court of Chancery, and they are now severally in the Exercise of the Functions of the same Offices respectively: And whereas Provision has been made by Statutes now in force for compensating most of the said Officers in respect of the other Fees and Emoluments of their said Offices in the Exchequer, the Duties of which may be more conveniently performed by Her Majesty's Remembrancer; and it is therefore expedient to abolish the Offices herein-after mentioned, and to provide for the Performance of the Duties of such Offices:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-three the several Offices or Employments of First and Second Secondaries, of Sworn and Side Clerks, of Register, and of Bagbearer, in the Office of Her Majesty's Remembrancer in the said Court, shall be and the same are hereby abolished, and shall wholly cease and determine: Provided always, that this Act shall not abridge, lessen, or in anywise affect the Right or Privilege heretofore enjoyed or held by the said Sworn and Side Clerks to

Abolishing certain Offices.

Saving Rights to Sworn and Side Clerks

to practise as Attornies.

to practise as Attornies on the Revenue Side of the Court of Exchequer, in the same Manner as other Attornies practise therein.

The Queen's Remembrancer to perform the Duties heretofore performed by the First and Second Secondaries, &c. of his Office; subject to Regulation by the Orders of the Court.

II. And be it enacted, That from and after the said Offices are abolished, all Process and other Proceedings, Acts, Matters, and Things, usually issued, done, had, received, filed, recorded, or taken by the First and Second Secondaries, and Sworn and Side Clerks, and Register of the Queen's Remembrancer's Office, which shall be by Law required or needful to be issued, done, had, received, filed, recorded, or taken, shall and may be issued, done, had, received, filed, recorded, and taken by Her Majesty's Remembrancer in the said Court of Exchequer, as fully and effectually, to all Intents, Constructions, and Purposes, as the same might or could have been issued, done, had, received, filed, recorded, or taken by the said First and Second Secondaries, and Sworn and Side Clerks, and Register, before the passing of this Act; subject nevertheless to all such Orders and Directions as shall or may be made from Time to Time by the Lord Chief Baron and other Barons of the Court, for regulating the Proceedings and Practice of the Remembrancer's Office; and all Records, Books, Papers, and Documents, of and concerning the Duties and Business of the several Offices hereby abolished, shall, on or before the said First Day of *January* One thousand eight hundred and forty-three, be delivered by the said Officers respectively into the Custody of Her Majesty's Remembrancer, to be by him kept and preserved.

The Treasury to regulate Establishment of the Queen's Remembrancer, and fix Salaries.

III. And be it enacted, That the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, shall be and they are hereby authorized and empowered by their Warrant to regulate the Establishment of the Office of Her Majesty's Remembrancer; and the said Commissioners shall and they are hereby empowered to fix the Salaries of the Remembrancer, and of his Clerks and other Persons whom it may be necessary to employ in the said Office.

Table of Fees to be established.

IV. And be it enacted, That the Chief Baron and other Barons of the Court of Exchequer shall and they are hereby required, before the First Day of *January* One thousand eight hundred and forty-three, to settle and establish a Table of the Fees which in their Judgment are proper to be demanded and taken in the said Office of Her Majesty's Remembrancer, and such Table of Fees shall be recorded in the Remembrancer's Office, and shall be deemed to be the lawful Fees to be thenceforth demanded and taken in the Office of Her Majesty's Remembrancer; and it shall be lawful for the Chief Baron and other Barons of the Court of Exchequer to add to, reduce, alter, or amend the said Table of Fees whenever they may deem it necessary and proper so to do; and the Fees so revised and altered shall in like Manner be deemed and taken to be the lawful Fees of the Office of Her Majesty's Remembrancer: Provided always, that no such Fees shall be charged or be payable for any of the Business transacted in the Queen's Remembrancer's Office for and on behalf of the Crown relating to any of the public Departments of Revenue or otherwise, except in Cases where Parties are required by Law to pay the Costs incurred by the Crown upon any Proceedings taken against them.

Account of Fees to be kept.

V. And be it enacted, That Her Majesty's said Remembrancer shall cause all Fees received in his Office, and all Disbursements made thereout for Salaries and other necessary Expences, to be duly entered in a Book to be kept for that Purpose, distinguishing the Fees received under their several Heads, and the Particulars and Amount of every Disbursement, and shall render a true and faithful Account thereof to the Commissioners of Her Majesty's Treasury, in such Form and with such Particulars, and at such Times, as the said Commissioners shall think fit to require and direct.

Power to the Treasury to award Compensation.

VI. And be it enacted, That it shall be lawful for any Officer or other Person who may suffer Loss through the Operation or Effect of this Act, within Six Calendar Months from the passing of the same, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, and the said Commissioners shall investigate such Claim by such Means and in such Manner as they may think necessary; and if such Claim shall be established to the Satisfaction of the said Commissioners, they or any Three of them are hereby authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation as they shall, under all the Circumstances of the Case, think him entitled to, either by a gross Sum or by way of Annuity; and such Compensation shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that a Copy of every such Award for Compensation shall be laid before the Commons House of Parliament within Fourteen Days next after the Date thereof, if Parliament shall be then assembled, and if Parliament shall not be assembled, then within Fourteen Days after the Meeting of Parliament then next following.

Attornies of Queen's Bench, &c. to practise on Revenue Side of the Court of Exchequer.

VII. And be it enacted, That all Persons admitted or admissible to practise as Attornies in the Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas shall be admissible in like Manner as Attornies of the Court of Exchequer on the Revenue Side, and be allowed to practise there as such accordingly; and that it shall be lawful for the Lord Chief Baron and other Barons of the said Court, and they are hereby required, by Rule of Court, to settle the Amount of Fees to be taken and received by Attornies practising on the Revenue Side of the said Court, for the Duties and Services to be performed by them, and which Fees, so settled, shall be allowed on the Taxation of Costs.

Writs and other Process to be made returnable without Delay, when necessary or proper.

VIII. 'And whereas there is often inconvenient Delay and great Expence incurred in recovering Debts 'to the Crown, more particularly with respect to Extents, by reason of the Interval between the 'Terms;' be it enacted, That all or any Commissions, Extents, Writs, or other Process of whatever Denomination to be hereafter issued from the Office of Her Majesty's Remembrancer, in pursuance of this or any former or other Act or Acts, or according to the ancient Usage or Practice of the Court of Exchequer, may bear Teste and be made returnable and be returned on any Day certain in Term or Vacation to be named in such Commission, Extent, Writ, or other Process, and thereupon, and at the

Return

Return of any such Commission, Extent, Writ, or other Process, the like Rules may be given, and such other Proceedings had, and such subsequent Writs and Process issued, at any Time in Vacation, as may be given, had, or issued in Term, or at or before the Seal Day after Term; and all such Commissions, Extents, Writs, or other Process, Rules, and Proceedings, shall be as valid and effectual as if the same had been tested and made returnable, or given or had, or issued in Term, according to the Common Law and Course of the Exchequer: Provided always, that nothing herein contained shall extend to alter the Time for filing any Pleadings, or to authorize the entering up any Judgment in Vacation; and that where any Person shall enter a Claim to any Goods seized under any Extent, or returned as forfeited (which it shall be lawful to do in Vacation), the further Proceedings shall be only according to the ordinary Practice and Course of the Court.

Revenue Orders may be made by a single Judge.

IX. And be it enacted, That all such Orders relating to Revenue Causes and Matters of Revenue as have heretofore been made at the Sittings of the Court of Exchequer appointed and held after Term may be made at any Time by any single Judge out of Court.

This Act not to affect Jurisdiction of the Court of Exchequer.

X. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or in anywise affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of Her Majesty's Court of Exchequer, or the ancient Rights or Privileges of Her Majesty's Remembrancer in the said Court, or the Rights or Privileges of any Person appointed to be Solicitor or Attorney on behalf of Her Majesty under the Orders and Directions of the Commissioners of the Treasury, Customs, Excise, or Stamps, or under the Orders and Directions of any Commissioners or other Persons or Person having the Management of any other Branch of Her Majesty's Revenue, save so far as the same may have been varied or altered by any Act or Acts now in force.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXXXVII.

An Act to amend and continue for Three Years, and from thence to the End of the next Session of Parliament, the Laws relating to Houses licensed by the Metropolitan Commissioners and Justices of the Peace for the Reception of Insane Persons, and for the Inspection of County Asylums and Public Hospitals for the Reception of Insane Persons. [5th *August* 1842.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in* England: And whereas the said recited Act was amended by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Second and Third Years of the Reign of* William *the Fourth, for regulating the Care and Treatment of Insane Persons in* England: And whereas the said recited Acts were afterwards, by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His said late Majesty, and by an Act passed in the Sessions of Parliament holden in the First and Second Years of the Reign of Her present Majesty, and by an Act passed in the Session of Parliament holden in the Fifth Year of the Reign of Her said present Majesty, continued for Three Years, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that some of the Provisions of the said recited Acts should be amended and extended, and that further Provisions should be made for the Visitation of Houses licensed by the Justices of the Peace under the Provisions of the said recited Acts, and also for the Inspection of Persons detained in such Houses:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any thing in the said first-recited Act contained, any annual Appointment of Metropolitan Commissioners in Lunacy hereafter made under the Provisions of the said recited Acts or of this Act shall in each Year be made on the First Day of *August*, or within Ten Days then next following, instead of on the First Day of *September*, or within Ten Days then next following: Provided always, that the Appointment of Metropolitan Commissioners in Lunacy, to be made in the Year One thousand eight hundred and forty-two, shall be made on or before the Twenty-fifth Day of *August* One thousand eight hundred and forty-two, and that the Appointment already made and now in force under the said recited Acts shall cease and determine on the Twenty-fifth Day of *August* One thousand eight hundred and forty-two, or on a new Appointment being made under the Provisions of the said recited Acts and this Act, whichever shall first happen.

2&3 W.4.c.107.

3&4 W.4.c.64.

Altering the Time of appointing the Metropolitan Commissioners.

Proviso.

Increasing the Number of Physicians and Barristers to be appointed.

II. And be it enacted, That the Metropolitan Commissioners in Lunacy so hereafter appointed on the First Day of *August* in each Year, or within Ten Days then next following, shall be not less than Fifteen nor more than Twenty in Number; and that of such Commissioners so appointed not less than Six nor more than Seven shall be Physicians or Surgeons not practising in Midwifery or Pharmacy, and Four shall be Barristers.

Three sworn Commissioners to administer Oath to the others.

III. And be it enacted, That, notwithstanding any thing in the said recited Acts contained, any Three of the Metropolitan Commissioners who shall have previously taken the Oath by the said first-recited Act required shall and are hereby authorized to administer such Oath to any other Person duly appointed a Metropolitan Commissioner, and to make a Quorum for that Purpose, but for that Purpose only.

IV. And

Meetings may be convened by Three Commissioners, giving 24 Hours Notice; but Five required to form a Meeting.

IV. And be it enacted, That, notwithstanding any thing in the said recited Acts contained, the Notice thereby required to be given under the Hands of Five of the Metropolitan Commissioners, requiring their Clerk to convene a Meeting, may be given under the Hands of Three of such Commissioners, and the said Clerk shall, on receiving such Notice, summon the rest of such Commissioners, giving not less than Twenty-four Hours Notice of the Place and the Day and Hour therein named for such Meeting, and stating in such Summons the Cause of such Meeting: Provided, nevertheless, that such Meeting shall be attended by not less than Five Metropolitan Commissioners, Two of whom at least shall not be Physicians, as by the said Act provided, or Surgeons.

Altering the Time within which Persons improperly confined may be set at liberty by the Metropolitan Commissioners.

V. 'And whereas by the said first-recited Act certain Provisions are made for (after Three Visits, as 'therein provided,) setting at liberty or otherwise acting under the Circumstances with respect to any Person 'improperly confined, or supposed to be improperly confined, in any House licensed by the Metropolitan 'Commissioners: And whereas it is expedient to alter such Provision as to the Number of Visits by the 'Metropolitan Commissioners, and in other respects;' be it enacted, That the Metropolitan Commissioners may, after Two distinct and separate Visits, instead of Three Visits, as therein provided, and at a Meeting specially summoned at not less than One clear Day's Notice, instead of at Four clear Days Notice, to set at liberty any Person detained without sufficient Cause in any House licensed by them, or otherwise act under the Circumstances as by the said first-recited Act is provided, but not otherwise: Provided nevertheless, that each of such Visits shall be made by Three at least of such Metropolitan Commissioners, Two of whom at least shall be Physicians or Surgeons.

Special Return by the Clerks of the Peace in the Month of August this Year.

VI. And be it enacted, That every Clerk of the Peace throughout *England* and *Wales* shall, some Time in the Month of *August* One thousand eight hundred and forty-two, transmit to the Clerk of the Metropolitan Commissioners in *London* a List of the Houses at that Time licensed by the Justices of the Peace within his Jurisdiction, and also the Number of Patients for which every such House is licensed, and the Name of the Proprietor or resident Superintendent of every such House, and the Place or Parish in which such House is locally situate.

Houses licensed by the Justices to be visited Twice a Year by the Metropolitan Commissioners.

VII. And be it enacted, That in the Month of *August*, or so soon as they shall be able so to do after their Appointment in each Year, the Metropolitan Commissioners in Lunacy shall meet, and divide *England* and *Wales* into Districts, convenient for visiting, as herein provided, all Houses then or within the then next Twelve Months licensed by Justices of the Peace for the Reception of Insane Persons, as provided by the said recited Acts, subject, nevertheless, to subsequent Alterations in such Division as Circumstances may render necessary; and that every House so licensed shall be visited by not less than Two Metropolitan Commissioners, of whom at least One shall be a Physician or Surgeon, and One shall be a Barrister Commissioner, once at least in every Six Months, calculated as from the First of *August* in each Year, and on such Days, and at such reasonable Hours of the Day, and for such Length of Time, as they shall think fit, and also at such other Times as the Metropolitan Commissioners shall by a Resolution at any Board direct; provided also, that it shall be lawful for the Lord Chancellor, or other the Person or Persons so interested as aforesaid, on Application by the said Board, setting forth the Expediency of such Alteration, to direct that all or any such Houses shall be visited once only in Twelve consecutive Months; and such Metropolitan Commissioners, when visiting such House, shall and are hereby required and authorized to inspect every Part of the Premises included in the then Licence for the same, and to see every Patient then confined therein, and to inquire whether any Patient is under Restraint, and why; and also to inspect the Certificate of Admission of every Patient who shall have been admitted into such House since the last Visit of the Metropolitan Commissioners; and also to consider the Observations made in the Visitors Book for such House by the Visitors appointed by the Justices of the Peace at Quarter Sessions, as provided by the said recited Acts, and to enter in such Visitors Book a Minute of the then Condition of the House so visited, and of the Patients therein, and the Number of Patients under Restraint, with the Reasons thereof, as stated, and such Irregularity (if any) as may exist in any of such Certificates as aforesaid, and also whether the Suggestions (if any) of such Visitors have or have not been attended to, and also to add any Observations which they may deem proper as to any of the Matters aforesaid, and also, if such Visit be the first after the granting a Licence to the House so visited, to examine such Licence, and, if the same be in conformity with the Provisions required by the said recited Acts, to sign the same, but if it be informal to enter in such Visitors Book in what respect such Licence is informal.

Metropolitan Commissioners to report as to System of Non-coercion in licensed Houses;

VIII. And be it enacted, That, with a view to the Amelioration of the Condition of Insane Persons, the Metropolitan Commissioners shall, when they are, under the Provisions of the said recited Acts or this Act, visiting Houses for the Reception of Insane Persons, whether licensed by the Metropolitan Commissioners or by Justices of the Peace, inquire, and shall by their Report in Writing state as to every such House, whether there has been adopted, either in whole or in part, any System of Non-coercion, and if so the Particulars of such System, and by what Means practised, and whether by Medical Treatment or otherwise, and what has been the Result thereof.

also as to Classification;

IX. And be it enacted, That with a like View such Metropolitan Commissioners as aforesaid shall, when so visiting such licensed Houses, in like Manner inquire into and state the Classification or Non-classification of Patients in every such last-mentioned House, and the Number of Attendants in each Class, and, so far as is practicable, the proportionate Number of Attendants before and since the Adoption of the System of Non-coercion, if such System shall have been adopted.

also as to Effect of Occupations and Amusements;

X. And be it enacted, That with a like View such Metropolitan Commissioners as aforesaid shall, when so visiting such licensed Houses, also in like Manner inquire into and state the Occupation and Amusements of the Patients in every such last-mentioned House, and whether the same be in-door or out-door

Occupations

Occupations or Amusements, and the Effect of such Occupations and Amusements, both in-door and out-door respectively, on the Condition, as well mental as bodily, of the Patients.

also as to Condition of Pauper Patients when received, and as to the Dietary; and to observe on other Heads.

XI. And be it enacted, That with a like View such Metropolitan Commissioners as aforesaid shall, when so visiting such licensed Houses, also in like Manner inquire into and state the Condition, as well mental as bodily, of the Pauper Patients (if any) when first received into every such last-mentioned House, and whether the Condition has been such as to prevent or impede the ultimate Recovery, either mental or bodily, of such Patients, and also as to the Dietary of the Pauper Patients (if any) in every such House, and also shall make such other Inquiries, and state in Writing their Report thereon, together with such Observations as to every such House, and the Patients therein, as to such Commissioners shall seem meet.

Reports to be entered by Commissioners Clerk.

XII. And be it enacted, That the Report so made as to each and every such licensed House as aforesaid shall be signed by the Commissioners so visiting such House, and shall be delivered to the Clerk of the Metropolitan Commissioners, who shall enter the same in a Book to be kept by him for that Purpose.

A Patients Book as well as a Visitors Book to be kept in every licensed House, and both Books to be produced.

XIII. And be it enacted, That in every House licensed for the Reception of Insane Persons, whether by the said Metropolitan Commissioners or the Justices, there shall be kept by the Proprietor or resident Superintendent, in addition to the Visitors Book, as by the said recited Act provided, a Book to be intituled the "Patients Book;" and that the "Visitors Book" and "Patients Book" shall be produced to the Metropolitan Commissioners and to the Visitors appointed under the said recited Acts at the Visits of such Persons, who shall severally make an Entry therein respectively that the same have been produced to them, and shall in such Patients Book insert such Observations as they may think fit respecting the State of Mind of any Patient in such House.

Penalty on Omission to produce the Books.

XIV. And be it enacted, That any Proprietor or resident Superintendent of any such House omitting at the Visit of any such Metropolitan Commissioners or Visitors, as the Case may be, to produce and to show to them such Visitors Book and Patients Book, shall forfeit and pay a Penalty of Twenty Pounds, to be recovered as herein-after provided.

The Commissioners to attend to doubtful Cases, and make Entry thereof.

XV. And be it enacted, That the Metropolitan Commissioners in manner aforesaid visiting the Houses licensed by the Justices of the Peace shall carefully consider and give special Attention to the State of Mind of any Patient therein confined, as to the Propriety of whose Detention they shall have Cause to doubt, or as to whose Sanity their Attention shall be specially called by the Patient or any other Person, and shall, if they shall think that the State of Mind of such Patient is doubtful, and the Propriety of his Detention requires further Consideration, make a Minute thereof, signed by them, in the Patients Book of such House, and in such Form and to such Effect as they shall think fit.

Commissioners may make special Visits, and after Two such Visits may, subject to certain Restrictions, liberate a Patient.

XVI. And be it enacted, That the Metropolitan Commissioners, being not less than Two, of whom One shall be a Physician or Surgeon and One a Barrister Commissioner, may and they are hereby required, in case they shall doubt the Propriety of the Detention of any Patient in a House licensed by the Justices of the Peace, make a special Visit to such Patient on such Day and at such Hour as they shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Commissioners that such Person is detained in such House without sufficient Cause, such Commissioners may give such Orders as to them shall seem meet for the Discharge of such Person at such Time as the Circumstances of the Case may to them seem to justify: Provided always, that the Order for Discharge shall be signed by such Commissioners, and each of such special Visits must be by the same Commissioners; and that it shall not be lawful for such Commissioners to order the Discharge of any such Person as aforesaid without having previously (if the Medical Superintendent of the House in which such Person is confined shall have tendered himself for that Purpose) examined such Medical Superintendent as to his Opinion respecting the Fitness of such Person to be discharged; and that if the Commissioners shall, after so examining such Medical Superintendent, discharge such Person, they shall, within Forty-eight Hours after making any Order for such Discharge, transmit to the Clerk of the Metropolitan Commissioners in *London*, to be by him kept and registered, any Statement in Writing furnished to them by such Medical Superintendent, and containing his Reasons against the Discharge of such Person.

Notice of special Visits.

XVII. Provided also, and be it enacted, That not less than Fourteen Days shall intervene between the First and Second of such Visits, and that such Commissioners shall, previous to the Second of such special Visits, give Notice thereof to the Proprietor or resident Superintendent of the House in which the Patient intended to be visited is detained, a Copy of which Notice the said Proprietor or Superintendent is hereby required to forward to the Clerk to the Visitors of the said House, and also Notice thereof (so far as is practicable) to the Person by whose Authority such Patient was received into such House, or is then detained therein, such Notice to such several Parties to be by Letter, signed by such Commissioners, and with their Names endorsed on the Outside or Cover thereof, and sent by Post, and to be put into the Post Fourteen Days at least before the Day in such Notice specified as the Day for such Second Visit; and the Master of any Post Office into which any such Letter shall be put shall and is hereby required to give to such Commissioners a Receipt for the same in the Form set out in the Schedule (A.) hereto annexed, and which Receipt shall be *primâ facie* Evidence of such Letter having been sent to the Person to whom the same shall by such Receipt appear to have been addressed.

Mode of serving Notice.

XVIII. Provided also, and be it enacted, That the Notice so required to be given to the Proprietor or resident Superintendent of the House may, instead of being given by Letter as aforesaid, be given by Notice in the Patients Book of such House, and signed by such Commissioners.

Restricting the Power of Liberation.

XIX. Provided also, and be it enacted, That such Power of Liberation shall not extend to the Case of any Person who shall have been found idiot, lunatic, or of unsound Mind, under a Commission issued for that

that Purpose by the Lord Chancellor or other the Person or Persons intrusted, as in the said recited Act mentioned, nor to any Insane Person confined under any Order or Authority of Her Majesty's Principal Secretary of State for the Home Department; but it shall and may be lawful for such Commissioners, if they shall think fit, to examine into the State of Mind or Condition of any such Person, and to report their Opinion in Writing of the State of Mind or Condition of such Person to the Lord Chancellor or other the Person or Persons intrusted as aforesaid, or to Her Majesty's Principal Secretary of State for the Home Department, as the Case may be.

Applications for Licences to state for what Sex of Patients, and if for both, Means of Separation.

XX. And be it enacted, That the Notice by the said first-recited Act required to be given by any Person applying or intending to apply, under the Provisions of the said recited Acts, for a Licence for a House for the Reception of Insane Persons, shall, in addition to the Statements by the said recited Acts required to be contained therein, state whether the Licence so applied for is for the Reception of Male or of Female Patients, or of both; and if for the Reception of both, shall state the Number of each Sex proposed to be received, and show the Means by which the one Sex may be kept distinct and apart from the other.

Clerks of Peace to send to the Commissioners within 14 Days Copies of Licences granted by Justices, under a Penalty of 50*l*.

XXI. And be it enacted, That in every Case in which a Licence for the Reception of Insane Persons shall, after the First Day of *August* One thousand eight hundred and forty-two, be granted by the Justices of the Peace according to the Provisions of the said recited Acts, the Clerk of the Peace shall, within Fourteen Days after such Licence shall have been granted, send a Copy thereof to the Clerk of the Metropolitan Commissioners, to be by them kept, and an Entry thereof made in a Book provided for that Purpose; and any Clerk of the Peace omitting to send such Copy within such Time shall for every such Omission forfeit and pay a Penalty of Fifty Pounds, the same to be recovered as herein-after provided.

On Application for renewed Licences, Lists of Patients then in the House to be returned.

XXII. And be it enacted, That in every Case in which any Person shall, under the Provisions of the said recited Acts, apply for the Renewal or Continuance of a Licence, such Person, if applying to the Metropolitan Commissioners, shall, with such Application, transmit to the Clerk of the Metropolitan Commissioners, and if applying to the Justices of the Peace, shall, with such Application, transmit to the Clerk of the Peace, and also at the same Time transmit to the Clerk of the Metropolitan Commissioners in *London*, a List, signed by the Person so sending the same, of the Number of Patients then detained in such House, with the Particulars of each Patient, according to the Form of Schedule (M.) to the first-recited Act annexed; and the Clerk of the Metropolitan Commissioners shall regularly enter such Returns in Books to be kept for that Purpose.

Penalty for not making Returns.

XXIII. And be it enacted, That any Person having hereafter obtained the Renewal or Continuance of a Licence without making such Return or Returns shall for every such Omission or Neglect forfeit and pay a Penalty of Fifty Pounds, to be recovered as herein-after provided.

Commissioners may order Clerk to give Information as to Persons confined in Houses licensed by Justices.

XXIV. And be it enacted, That if any Person shall apply to any Metropolitan Commissioner in order to be informed whether any particular Person is confined in any House by the said Justices licensed for the Reception of Insane Persons, the said Commissioner, if he shall think it reasonable to permit such Inquiry to be made, shall sign an Order to the Clerk of the Metropolitan Commissioners, and the said Clerk is hereby required, on Receipt of such Order, and on Payment of the Sum of Seven Shillings, and no more, for his Trouble, to make, not only such Search as by the said recited Act required, but also to make Search amongst the Returns in pursuance of this Act and the said recited Acts, or any of them, made, as to or from the Houses licensed by Justices of the Peace; and if it shall appear, upon Search so made, that the Person inquired after is or has been within the last Twelve Calendar Months confined in any of the Houses so licensed by the said Justices, the said Clerk shall deliver to the Person so applying a Statement in Writing, containing the Name of the Proprietor or resident Superintendent in whose House the Person so inquired after appears to be or to have been confined, and the Situation of such House.

Increasing the Penalty for Lists of Visitors not being sent by Clerk of the Peace to Metropolitan Commissioners.

XXV. And be it enacted, That a List of the Names of all Visitors appointed by the Justices of the Peace under the Provisions of the said recited Acts shall within Fourteen Days from the Date of their respective Appointments, instead of within Twenty-one Days as required by the said recited Acts, be forwarded by the Clerk of the Peace to the Clerk of the Metropolitan Commissioners, and be by him registered in a Book to be kept for that Purpose; and every Clerk of the Peace making default in that respect shall for every such Default forfeit and pay, instead of the Penalty of Five Pounds, as provided by the said firstly-recited Act, a Penalty not exceeding Fifty Pounds, the same to be recovered as herein-after provided.

Licensed Proprietors in the Country to send to Commissioners Clerk Copies of Entries in Visitors and in Patients Books.

XXVI. And be it enacted, That every Proprietor or resident Superintendent of any House licensed by the Justices of the Peace for the Reception of Insane Persons shall, within Three clear Days after any Entry shall have been made in either the Visitors Book or the Patients Book of such House, by the Visitors or Commissioners, as the Case may be, send a written Copy of such Entry to the Clerk of the Metropolitan Commissioners, who shall enter the same in a Book to be kept for that Purpose; and every Proprietor or resident Superintendent omitting or neglecting to send such Copy within such Time shall for each such Omission or Neglect forfeit and pay a Penalty not exceeding Twenty Pounds, to be recovered as herein-after provided.

Returns to be made of every Patient escaping, and of his Re-admission.

XXVII. And be it enacted, That whenever any Patient confined in any House licensed for the Reception of Insane Persons shall escape therefrom, the Proprietor or resident Superintendent of such House shall, within Two clear Days next after such Escape, transmit a written Notice thereof to the Clerk of the Metropolitan Commissioners, if such House be licensed by the Metropolitan Commissioners, or to the

said

said Clerk of the Metropolitan Commissioners, and also to the Clerk of the Peace, if such House be licensed by the Justices of the Peace, and that such Notice shall state the Name of the Party who has so escaped, and his then State of Mind, and also the Circumstances connected with such Escape; and that if such Patient shall be received or brought back to such House, such Proprietor or resident Superintendent shall, within Two clear Days next after such Person be received or brought back, transmit a written Notice thereof to the Clerk of the Metropolitan Commissioners, or to such Clerk, and also to the Clerk of the Peace, as the Case may be, and that such Notice shall state when such Person was so received or brought back, and all the Circumstances connected therewith, and whether with or without a fresh Certificate.

Penalty for not transmitting Notice.

XXVIII. And be it enacted, That every such Notice shall be kept and filed by the Clerk of the Metropolitan Commissioners, and the respective Clerks of the Peace; and that every Proprietor or resident Superintendent wilfully omitting to transmit such Notice, whether of Escape or of Return, shall for every such Omission forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered as hereinafter provided.

Clerk of Peace to receive such Remuneration as allowed by Justices.

XXIX. And be it enacted, That it shall and may be lawful for the Clerk of the Peace, as a Remuneration for his Trouble in carrying into effect the Provisions of the said recited Acts and of this Act, to receive and take, out of the Monies of the County to which he is such Clerk of the Peace, such Sum or Sums as the Justices of the Peace assembled in General or Quarter Sessions shall for that Purpose direct.

Metropolitan Commissioners to visit County Lunatic Asylums annually. 9 G. 4. c. 40.

XXX. 'And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King 'George the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County* 'Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal 'Lunatics in England, it was amongst other things enacted, that all Asylums erected or established 'under the therein-recited Acts should in future be regulated under the Directions of that Act: And 'whereas it is desirable, with a view to the Amelioration of the Condition of Insane Persons, that 'Inspection should be had and Reports made of all Asylums regulated under the Provisions of the last-'mentioned Act, and that competent Persons should be appointed for that Purpose;' be it therefore enacted, That Two or more of the Metropolitan Commissioners in Lunacy, One of whom at least shall be a Physician or Surgeon, and One at least a Barrister Commissioner, shall, once in each Year, on such Day or Days, and at such reasonable Hours of the Day, and for such Length of Time, as they shall think fit, visit each and every Asylum regulated under the Provisions of the said last-mentioned Act.

To report whether the Provisions of the Law are acted upon;

XXXI. And be it enacted, That such Metropolitan Commissioners shall, when so visiting such last-mentioned Asylums, inquire, and shall by their Report in Writing state, whether the Provisions of the Law have been carried out as to the Construction of every such Asylum, and as to its Visitation and Management, and also as to the Regularity of the Admissions and Liberations of Patients therein and therefrom.

as to any System of Non-coercion;

XXXII. And be it enacted, That such Metropolitan Commissioners shall in like Manner inquire and state whether any System of Non-coercion, either in whole or in part, is in practice in every such Asylum, and if so, the Particulars of such System, and by what Means practised, whether by Medical Treatment or otherwise, and what has been the Result thereof.

as to Classification of Patients;

XXXIII. And be it enacted, That such Metropolitan Commissioners shall also in like Manner inquire into and state the Classification or Non-classification of Patients in every such Asylum, and the Number of Attendants on each Class, and, so far as is practicable, the proportionate Number of Attendants before and since the Adoption of any System of Non-coercion which may have been adopted in such House.

as to in-door and out-door Amusements, &c., and their Effect;

XXXIV. And be it enacted, That such Metropolitan Commissioners shall also in like Manner inquire into and state the Occupations and Amusements of the Patients in every such Asylum, and whether the same be in-door or out-door Occupations or Amusements, and the Effect of such Occupations and Amusements, both in-door and out-door respectively, on the Condition, as well mental as bodily, of the Patients.

and as to Condition of Pauper Patients when received, the Dietary, and generally as to Asylums and Patients.

XXXV. And be it enacted, That such Metropolitan Commissioners shall also in like Manner inquire into and state the usual Condition, as well mental as bodily, of the Pauper Patients when first received into every such Asylum, and whether the Condition has been such as to prevent or impede the ultimate Recovery, either mental or bodily, of such Patients, and also inquire into and state the Dietary of the Pauper Patients in every such Asylum; and such Commissioners shall also at such Time make such other Inquiries as to every such Asylum as to them shall seem fit, and shall report thereon in Writing, with such Observations as to every such Asylum, and the Patients therein, as to such Commissioners shall seem meet.

Lists in Form of Schedule (B.) to be made of Patients in each Asylum.

XXXVI. And be it enacted, That such Metropolitan Commissioners shall, when so visiting as aforesaid each Asylum regulated under the Provisions of the said last-mentioned Act, require to be produced to him a correct List, according to the Form in Schedule (B.) annexed to this Act, of the Number of Patients in each Asylum on the First Day of *January* in each Year, the Number admitted between such First Day of *January* in one Year and the First Day of the following Year, and the Number of Patients discharged as cured or relieved, and the Number discharged as not relieved, and the Number who have died during the same Period, and shall transmit such List to the Clerk of the Metropolitan Commissioners.

The Reports to be sent to the Clerk of the Commissioners.

XXXVII. And be it enacted, That the Report so made and the List so drawn up as aforesaid, as to each and every Asylum so regulated under the Provisions of the said last-mentioned Act, shall be signed by the Commissioners visiting such Asylum, and shall be delivered to the Clerk of the Metropolitan Commissioners, who shall enter the same in a Book to be kept by him for that Purpose.

Lord Chancellor and Secretary of State, or either of them, may require Commissioners to visit and report as to the Royal Military and Naval Hospitals and other public Asylums for Insane Persons.

XXXVIII. 'And whereas it may be desirable, with a view to such general Amelioration as aforesaid, 'that Inspection should also be had of the Royal Military and Naval Hospitals, and all other (if any) 'public Asylums, other than the County Asylums aforesaid, for the Reception of Insane Persons, excepting 'the Royal Hospital of *Bethlem*, and that competent Persons should be appointed for that Purpose;' be it enacted, That the Lord Chancellor, or other the Person or Persons so intrusted as aforesaid, and Her Majesty's Principal Secretary of State for the Home Department, or either of them, if they or he shall think fit, may, by an Instrument under their or his Hand and Seal, require the Metropolitan Commissioners in Lunacy to visit any such last-mentioned Hospitals and Asylums, excepting the Royal Hospital of *Bethlem*, and to report as to the State and Condition thereof respectively, and the System of Treatment therein adopted, in such Manner as they or he shall think fit; and that thereupon Two or more of the Metropolitan Commissioners, One of whom at least shall be a Physician or Surgeon, and One of whom at least shall be a Barrister Commissioner, shall have full Power and Authority to, and shall, at such Time, and at such reasonable Hours of the Day, and for such Length of Time as they shall think fit, visit each and every such Hospital and Asylum, and report thereon, as so required.

Commissioners to be paid their Expences.

XXXIX. And be it enacted, That each and every Metropolitan Commissioner shall be allowed and paid his travelling and other Expences whilst employed in executing the Duties of his Office: Provided nevertheless, that only Two Commissioners shall be allowed or paid their travelling or other Expences whilst employed in visiting or reporting as to any such licensed House, Asylum, or Hospital as aforesaid, situate beyond the local Limits of the Jurisdiction of the Metropolitan Commissioners before the passing of this Act, or in visiting or reporting as to any Patients or Patient in any such last-mentioned licensed House.

Commissioners to be paid 1*l.* an Hour for visiting in the Metropolitan District.

XL. And be it enacted, That each and every Metropolitan Commissioner, being a Physician, Surgeon, or a Barrister Commissioner, shall be allowed and paid, exclusive of such his Expences as aforesaid, the Sum of One Pound for every Hour he shall be employed in executing the Duties of his Office of Commissioner, as to the Houses, Asylums, or Hospitals situate within such local Limits as aforesaid, and as to any Patients or Patient in any such Houses or House.

Commissioners to be paid Five Guineas a Day whilst visiting beyond the Metropolitan District.

XLI. And be it enacted, That each and every Metropolitan Commissioner, being a Physician, Surgeon, or Barrister Commissioner, shall be allowed and paid, exclusive of such his Expences as aforesaid, a Sum of Five Guineas a Day for every Day he shall be employed in executing the Duties of his Office of Commissioner, as to the Houses, Asylums, and Hospitals situate beyond such local Limits as aforesaid, and as to any Patients or Patient in any such Houses or House: Provided always, that only Two Commissioners shall be allowed or paid such Sum of Five Guineas a Day each whilst visiting or reporting as to any such House, Asylum, or Hospital as aforesaid situate beyond such local Limits as aforesaid, or in visiting or reporting as to any Patients or Patient in such last-mentioned Houses or House.

Amount of Payments and Allowances to be paid by the Clerk.

XLII. And be it enacted, That the Amount of such Expences and Allowances as aforesaid shall, when the Account thereof shall have been audited at a quarterly Meeting of the Metropolitan Commissioners, and allowed and signed by Three of such Commissioners, one of whom shall be a Commissioner other than a Barrister Commissioner, or Physician or Surgeon, be paid by the Clerk of the Metropolitan Commissioners out of the same Fund or Funds as by the said recited Acts are provided concerning the Payments and Allowances of the Commissioners as therein provided.

Metropolitan Commissioners to enforce the Provisions of the different Acts.

XLIII. And be it enacted, That the Metropolitan Commissioners shall have Power and Authority and are hereby required to do all such Acts, Matters, and Things, by Proceedings in the Name of "The Metropolitan Commissioners in Lunacy," as may be requisite for putting in force the Provisions of all the herein-before recited Acts and of this Act, or of any of them; and that the Costs, Charges, and Expences incurred by or under the Authority of the Metropolitan Commissioners in such Proceedings shall be paid by the Clerk of the Metropolitan Commissioners, and included by him in his Account of Receipts and Payments provided for by the said first-recited Act.

Treasury may advance Money.

XLIV. And be it enacted, That it shall and may be lawful for the Lords of Her Majesty's Treasury from Time to Time to advance by way of Imprest to the said Metropolitan Commissioners such Sum or Sums of Money as to such Lords of Her Majesty's Treasury may appear requisite and reasonable, for carrying into effect the Provisions of the said herein-before recited Acts and of this Act, such Sums or Sum to be accounted for by the said Commissioners in their then next Account.

Commissioners may summon Witnesses, subject to a Penalty for Neglect.

XLV. And for the better enabling the Commissioners to perform the Duties hereby required, be it enacted, That it shall be lawful for the Commissioners, from Time to Time, as such Commissioners shall see Occasion, to require, by Summons under their Hand and Seal, and according to the Form (N.) in the Schedule to the said first-recited Act, but altered so as to meet the Circumstances of the Case, any Person to appear before such Commissioners at the Place in such Summons named, to testify the Truth touching any Matters relating to the Execution of the Powers given by the said recited Acts and this Act, or any of them, on Oath or Affirmation, which Oath or Affirmation such Commissioners are hereby empowered to administer; and every Person to whom his reasonable Expences shall have been tendered, not appearing before such Commissioners pursuant to such Summons, and not assigning some reasonable Excuse for not appearing, or appearing pursuant to such Summons, but refusing to be sworn or examined,

and

and being thereof convicted before One of Her Majesty's Justices of the Peace in or for the District or Place at which such Person shall have been by such Summons required to appear and give Evidence, upon Information thereof upon Oath before such Justice, shall for every such Neglect or Refusal forfeit and pay such Sum of Money, not exceeding Fifty Pounds nor less than Ten Pounds, as such Justice shall think fit to order.

Penalties herein-before contained to be recovered in the Courts of Record at Westminster, with Power to the Judge to reduce the Amount.

XLVI. And be it enacted, That every Penalty to which any Person is by the Provisions herein-before contained made liable (save and except any Penalty for the Neglect or Refusal of any Witness duly summoned by the Metropolitan Commissioners) shall and may be sued for and recovered in any of Her Majesty's Courts of Record at *Westminster;* and that it shall and may be lawful for the Judges or Judge of such Court, in Cases where, upon the Consideration of the Circumstances, they or he shall deem it expedient so to do, to reduce the Amount to be thereby recovered to any Sum not less than One Fourth of the Amount of the Penalty in which the Party, according to the Provisions herein contained, shall have been liable; and the Sums so recovered shall be paid to the Clerk of the Metropolitan Commissioners, and form Part of the Monies in his Hands to be accounted for under the Provisions of the said Acts and this Act.

Parties not to be subject to Penalties for omitting to send Copy of Licence, &c. if it can be proved to have been sent by the Post in due Time.

XLVII. And be it enacted, That when any Person shall be proceeded against, under the Provisions of this and the said recited Acts, or of any or either of them, for a Penalty for omitting to send a Copy of any Licence granted by the Justices of the Peace, or for omitting or neglecting to transmit a List, as required, of the Number of Patients detained in his House, with the Particulars, according to Schedule (B.) hereto annexed, or for Default in not forwarding any List of the Names of Visitors appointed by the Justices, or for omitting or neglecting to send a Copy of any Entry in any Visitors Book or Patients Book, or for omitting to transmit a Notice of any Escape or Re-admission of any Patient, and the Person against whom such Proceedings shall have been taken shall prove that the Copy, or List, or Notice, as the Case may be, in respect of which such Proceedings are taken, shall have been put into the Post in due Time, and properly addressed, such Proof shall be a Bar to all further Proceedings in respect of such Neglect, Default, or Omission, and no further or other Proceedings shall be had thereon.

Existing Acts deemed Part of this Act.

XLVIII. And be it enacted, That the said recited Acts, and all the Provisions and Regulations therein contained, shall be and be considered as if repeated in this Act, and as forming Part hereof, save and except so far as the same shall be repealed or altered hereby or inconsistent herewith.

Term of this and of recited Acts.

XLIX. And be it enacted, That this Act, and the several Matters and Things therein contained, shall commence and take effect from and after the passing of this Act; and that this Act and the said recited Acts shall continue in force for the Term of Three Years from the passing hereof, and from thence to the End of the then next Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

I HEREBY acknowledge to have this Day received into this Post Office a Letter addressed to of in the County of and indorsed on the Outside or Cover thereof with the Names of

Given under my Hand, this Day of

A.B.,
Postmaster at

SCHEDULE (B.)

Number of Patients in the Asylum on the 1st Day of January in each Year.	Number of Patients admitted between the 1st Day of January and the 31st Day of December inclusive in each Year.	Number of Patients discharged as cured or relieved between the 1st Day of January and the 31st Day of December inclusive in each Year.	Number of Patients discharged as not relieved between the 1st Day of January and the 31st Day of December inclusive in each Year.	Number of Patients who may have died in the Asylum between the 1st Day of January and the 31st Day of December inclusive in each Year.

Where there are different Classes, distinguish the Number in each Class.

CAP. LXXXVIII.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-four, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. [5th *August* 1842.]

10 G. 4. c. 22.

CAP. LXXXIX.

An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*. [5th *August* 1842.]

'WHEREAS it is expedient that Provisions should be made for promoting the Drainage of Lands in '*Ireland*, and the Improvement of Navigation and Water Power in connexion with Drainage;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Public Works in *Ireland* for the Time being shall be the Commissioners for the Execution of this Act.

The Commissioners of Public Works to be the Commissioners under this Act.

II. Provided always, and be it enacted, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall so think fit, to appoint One or Two Persons to assist the said Commissioners of Public Works, and be Commissioners together with them for the Execution of this Act, during Pleasure, and to remove either or both of said last-mentioned Commissioners, and to appoint another or others in the Stead of the Person or Persons so removed, or dying, or resigning, and that all Matters and Things which the Commissioners for the Execution of this Act are by any of the Provisions of this Act required or authorized to do or execute may be done and executed by any Two of them.

Two additional Commissioners may be appointed.

III. And be it enacted, That it shall be lawful for any Person interested in any Land liable to be flooded or injured by Water, or capable of being drained, or the Drainage whereof may be capable of being improved, to apply by Memorial to the Commissioners for the Execution of this Act, stating the Nature and Extent of such Land, and praying that the same may be drained, or that the Drainage thereof may be improved under the Provisions of this Act.

How Persons interested in Lands liable to be flooded may proceed;

IV. And be it enacted, That it shall be lawful for any Person interested in any River within, adjacent, or near to any such Tract of Land as aforesaid, and which River, or any Part thereof, may be capable of being rendered navigable in connexion with Drainage, or the Navigation whereof may be capable of being improved in connexion with Drainage, to apply by Memorial to the said Commissioners, describing such River, and praying that the same, or such Part thereof as aforesaid, may be rendered navigable, or the Navigation improved, in conjunction with the Drainage of the Land adjacent or near thereto, under the Provisions of this Act.

also Persons interested in any River near to any such Land.

V. And be it enacted, That it shall be lawful for the Grand Jury, at the Assizes of any County in which any such River as aforesaid, or any such Part thereof, may be situate, to make a Presentment directing their Secretary to apply by Memorial as aforesaid for the like Purpose to the said Commissioners, provided, One Month at least before the Meeting of such Grand Jury, a Notice, signed by One or more Cess-payers of such County, specifying that it is intended to bring under the Consideration of such Grand Jury the Propriety of such Memorial, shall have been published in Three successive Publications of a Newspaper circulating in such County, and shall have been, Ten Days before such Meeting of such Grand Jury, posted at the usual Places for posting Grand Jury Notices in every Barony in such County in which any such River, or such Part of a River, proposed to be improved, is situate, in the same Manner as Notices for Applications are to be posted under an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland.

Grand Jury may present Memorial when a Navigation may be effected or improved.

6&7 W. 4. c. 116.

VI. And be it enacted, That in every Case of Application by Memorial as aforesaid the said Commissioners shall require such a Sum to be deposited in their Hands, by or on behalf of the Person or Grand Jury so applying, as shall be sufficient for defraying the Expence of making the preliminary Inquiries, Inspection, and Report herein-after mentioned, and shall also, whenever afterwards they shall have notified their Approval of the Matter of such Memorial, require to be deposited in their Hands, by or on the Part of such Person or Grand Jury, such Sum as shall be sufficient for defraying the Expences of making the further Surveys, Schedules, Maps, Plans, Drawings, Sections, and Estimate herein-after directed to be made respecting the Land or River proposed to be drained or improved respectively, and the Works necessary for draining and improving the same, and for defraying the Expences of all other Measures herein-after directed to be taken for the Purposes herein-after expressed, previous to the actual Commencement of any Works under the Provisions of this Act.

Where a Memorial is presented, the Commissioners may require a Deposit for defraying preliminary Expences.

VII. And be it enacted, That it shall be lawful for any Grand Jury who shall direct any such Application by Memorial as aforesaid to present (without Application to Presentment Sessions) any Sum which they shall think necessary for or towards providing the Amount of such First Deposit as aforesaid, or, if they shall think fit, for or towards providing the Amount of both such Deposits; and in case such Grand Jury shall present only the Sum necessary for such First Deposit, it shall be lawful for the Grand Jury, at

Grand Jury may direct the Treasurer of the County to deposit the Sum required to be

at any subsequent Assizes, in like Manner, without Application to Presentment Sessions, if they shall so think fit, to present the Sum necessary for the Second Deposit; and the Amount so presented in either of such Cases shall be raised off such Baronies and Half Baronies as shall be specified in such Presentment; and it shall be lawful for any such Grand Jury to direct the Treasurer of the County, out of any public Monies which he may have in his Hands, to lodge with the said Commissioners such First Deposit, or both such Deposits, according as such Grand Jury shall direct in such Presentment, and as the said Commissioners shall require, for defraying the Expences aforesaid, and such Treasurer shall make such Deposit or Deposits, and the Amount so presented shall be raised and levied accordingly; and in case the Deposit or Deposits required by the said Commissioners shall not amount to the Sum so presented, the Surplus shall be applied to such Purposes as other public Monies levied off such Baronies or Half Baronies may be applicable.

deposited with the Commissioners.

VIII. And be it enacted, That whenever any such Memorial as aforesaid shall be presented to the said Commissioners, and the Sum required to be deposited with them for the Purpose of making such Inquiry, Inspection, and Report as aforesaid shall have been deposited accordingly, the said Commissioners shall direct some Engineer or other competent Person to inspect, and, if the said Commissioners shall deem fit, to make a Survey of the Land or River referred to in such Memorial, or of any other Land or River of which they shall deem it necessary for the Purposes of such Memorial that a Survey should be made, or to examine any Survey already made thereof, which the said Commissioners shall think sufficient, and to inquire into and ascertain the present State of such Land or River, and the Capacity of the said Land for Improvement by Drainage, and the probable Increase in the Value of such Land when so improved, and also the Capacity of such River for Improvement, and further to ascertain whether any existing Navigation would be injured by the Works necessary to be executed for Drainage, or whether any useful or necessary Navigation would or might be effected or improved either immediately or remotely in conjunction therewith, and whether it may be necessary or expedient for the Execution of such Works to purchase, remove, injure, or alter any Weir, Dam, Mill, Factory, or other Building or Property, and whether any and what Improvement would or might be effected in any existing Water Power, and whether any new Water Power would or might be created in conjunction with such Works, and whether, for the Prevention of sudden Floods, and the Preservation of surplus Water for the Supply of Towns, Mills, Factories, or Navigation, or for the Irrigation of or the warping or depositing Soil by means of Water on any Lands where same shall be a beneficial Manurance, that any and what Reservoirs should be constructed; and such Engineer or other Person shall report to the said Commissioners the Nature, Extent, and probable Expence of effecting the Purposes aforesaid, and the Lands, Mills, Factories, Weirs, and other Property to be affected by such Works, and the Benefit or Injury likely to arise to such Lands, Mills, Factories, Weirs, and other Property respectively from such Works, and the several Matters aforesaid.

Commissioners may appoint a Person to inspect any Land or River, and to report thereon.

IX. And be it enacted, That, for the Purposes of any Inspection, Survey, or Inquiry directed or necessary under any of the Provisions of this Act, it shall be lawful for the said Commissioners, by themselves, their Surveyors, Engineers, Agents, Officers, and Workmen, to enter upon any Lands or Premises in any District within which it is proposed that any Works shall be executed under this Act, or any Lands and Premises adjoining thereto, and, if necessary, to dig or bore therein, and also to examine any Weir, Sluice, or Floodgate erected in or upon any River or Stream which it shall seem to them to be necessary to examine, and to open or raise any such Floodgate or Sluice for the Purposes of any such Inquiry, and to make any Soundings or bore the Bed or Channel of any Part of such River, or any Mill Course connected therewith, making reasonable Compensation for any Damage done thereby; and the Amount of such Compensation shall be ascertained by Two or more Justices of the Peace at Petty Sessions in or for the District wherein any such Damage shall be committed, and they are hereby authorized and required to inquire into and determine same, and for that Purpose to examine, on Oath or otherwise, all such Witnesses as shall be produced before them, and to make such Order as to them shall seem just for the Payment of the Amount of such Damage by the Commissioners to the Party aggrieved, which said Order shall be final and conclusive: Provided always, that the said Commissioners, their Surveyors, Engineers, Agents, Officers, and Workmen, may enter upon such Lands as aforesaid, and do all necessary Matters and Things by this Act authorized previously to or pending the Decision of such Justices.

Commissioners, &c. may enter Lands for the Purposes of Survey or Inquiry.

X. And be it enacted, That if, on the Report of such Engineer or other Person, the said Commissioners shall consider that the Benefits likely to arise would not be commensurate with the probable Cost of the necessary Works, or if from any other Consideration the said Commissioners shall deem it inexpedient that the Land or River referred to in any such Memorial as aforesaid should be drained or improved under the Provisions of this Act, they shall decide accordingly, and shall transmit to the Person or Grand Jury who shall have presented such Memorial relating thereto a Notification in Writing of their Determination, together with a Copy of such Report.

If Commissioners think it inexpedient to execute the Works, they are to decide accordingly.

XI. And be it enacted, That if on the Report of such Engineer or other Person the said Commissioners shall consider it expedient that any Works should be undertaken, they shall notify in Writing to the Person or to the Secretary of the Grand Jury, who shall have applied by Memorial as aforesaid, their Approval of the Matter of such Memorial, and shall cause Copies of the Report to be made, and shall deliver a Copy thereof to any Person who shall apply for the same, on Payment of the reasonable Expence of preparing such Copy; and shall also cause Copies of such Report to be deposited with the Clerk of the Peace (and, where any Navigation is proposed to be improved by such Works, with the Secretary of the

If they approve of the Works proposed, they shall cause Copies of the Report to be deposited for public Inspection.

the Grand Jury) of every County in which the Land or River, or the Part thereof proposed to be drained or improved, shall be situate, and also in such and so many convenient Places in the District where the said Works are proposed to be executed, or in the Vicinity thereof, as the said Commissioners shall think necessary, there to remain open for public Inspection at all reasonable Times for Six successive Weeks; and they shall cause Notice of the Places where such Copies are deposited to be given by public Advertisement in some Newspaper circulating in such County or Counties, or otherwise as to them shall seem expedient.

Commissioners may cause Surveys, &c. to be made.

XII. And be it enacted, That if in the last-mentioned Case the said Commissioners shall deem it expedient, they shall, upon receiving such Deposit as aforesaid of a Sum sufficient for the Purpose, cause further Surveys to be made of the Land proposed to be drained or improved, and of the River proposed to be improved in connexion with such Drainage, and proper Schedules, Maps, Plans, and Sections to be prepared, describing the District within which it is proposed to put the Powers of this Act into execution, and showing the Land to be drained or improved by such Drainage, and showing in One or more of such Schedules the reputed Proprietors, Lessees, and Occupiers thereof, and the Lands or other Property required to be taken for or likely to be injured by the proposed Works, and the reputed Proprietors, Lessees, and Occupiers thereof, and showing, so far as may be possible, the Line, Course, and Situation of the Streams, Watercourses, Drains, Rivers, and Lakes intended to be cleared, scoured, or embanked, and the requisite Variations, Divisions, Abridgments, or Enlargements of the same, and the Direction and Extent of any new Drains, Watercourses, or Works necessary to be made, and the Land in and through which the same are to be made; and they shall also cause to be made an Estimate of the Expence of the proposed Works, including in such Estimate the probable Amount of Money payable as Compensation in respect of any Injury likely to be occasioned by such Works, or for the Purchase of any Land, Houses, Fisheries, Weirs, Mills, or other Property required to be taken or purchased for the Purpose of such Works, and other miscellaneous Expences likely to be incurred; and they shall also cause the then actual Value of the Land to be drained or improved by Drainage by the proposed Works to be ascertained, in such Manner and by such Means as they shall think proper, and the probable Increase in such Value by the proposed Works; and such actual Value and estimated Increase shall be stated in the said Schedules, and also the Proportions in which such Lands shall contribute towards the Payment of the Costs of the proposed Works, specifying such Proportions in the Ratio of the estimated Increase in the Value of such Lands; and in every Case where the Navigation of any such River, or such Part of a River, as aforesaid, shall be proposed to be improved, every such Estimate shall also and separately specify the Amount of the Costs which will be incurred in the Execution of such of the proposed Works as shall be necessary for the Improvement of the Navigation of such River, or Part of a River, and the District likely to be benefited by such Improvement, and the Baronies, Half Baronies, or Townlands in such District, and the Proportions in which such Baronies, Half Baronies, or Townlands, whether situate in One or more Counties, are likely to be benefited, and should contribute to such Costs; and the said Commissioners shall cause to be made Copies of the said Schedules, Maps, Plans, Sections, and Estimate, and shall cause such Copies to be deposited in such convenient Place or Places as the said Commissioners shall think proper, within or in the immediate Vicinity of the District in which such Land or River, or Part of a River, shall be situate, there to remain open for public Inspection at all reasonable Times for Six successive Weeks, which Period may be reckoned concurrently with the Period herein-before limited for the Publication of the Report before mentioned; and all Persons shall be at liberty to inspect and make Copies of or Extracts from the said Schedules, Maps, Plans, Sections, and Estimate, and Copies thereof or Extracts therefrom shall be made for any Person who shall require the same, on Payment of the Costs of making such Copies or Extracts.

Publication of a Notice that Maps, &c. have been deposited.

XIII. And be it enacted, That the said Commissioners shall cause a Notice, stating the Places in which Copies of the said Schedules, Maps, Plans, Sections, and Estimate have been deposited as aforesaid, to be published in some Newspaper usually circulated in the District in which the Land or River, or Part of a River, proposed to be drained or improved, shall be situated, or in the immediate Vicinity thereof, and also to be posted in the usual Places for posting Grand Jury Notices in or near such District; and in all Cases where it shall be proposed that the Navigation of any River, or Part of a River, shall be improved, a Copy of such Notice shall be served on the Secretary of the Grand Jury or Grand Juries of the County or Counties in which such River, or Part of a River, so to be improved, shall be situate; and in all Cases where it shall be proposed to take or remove any Mill or Factory, or to lower, raise, or modify any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory, a Copy of such Notice shall be served on the Owner, Lessee, or Occupier, or Person in charge of such Mill or Factory, or posted on the Door or Wall thereof; and by such Notice all Parties interested shall be required, on or before a Day to be therein named, not sooner than Six Weeks from such Publication and Posting or Service as aforesaid of such Notice, to transmit to the Secretary of the said Commissioners their Objections, if any, to the said Schedules, Maps, Plans, Sections, and Estimate, and all other Objections which such Parties shall think fit to make with respect to any thing proposed to be done by the said Commissioners under the Provisions of this Act.

Grand Jury may appoint a Committee.

XIV. And be it enacted, That in every Case in which it shall be proposed that the Navigation of any such River, or Part of a River, as aforesaid, should be improved in conjunction with the Drainage of the adjacent Lands, it shall be lawful for the Grand Jury, at the Assizes of each County in which any such Improvement is proposed to be made, to appoint a Committee to act for the Purposes herein-after mentioned, until removed as herein-after provided; and such Committee shall consist of Seven Persons, each

each of whom shall be a Member of such Grand Jury, or shall have served upon some former Grand Jury at the Assizes of such County, or shall be a Justice of the Peace of such County, and any Three of such Committee shall form a Quorum; and it shall be lawful for the Grand Jury, at any subsequent Assizes, to remove any Member of such Committee, or to fill up any Vacancy anywise arising in such Committee, or to appoint a new Committee.

Committee of Grand Jury may attend Meeting, and object to proposed Works.

XV. And be it enacted, That it shall be lawful for the Committee for the Time being appointed by any such Grand Jury as aforesaid to transmit to the said Commissioners such Objections as such Committee shall think proper to the said Report, Schedules, Maps, Plans, Sections, and Estimate which shall have been deposited as aforesaid, and also to attend at any Meeting to be convened by the said Commissioners under the Provisions of this Act, and at such Meeting to support such Objections, or to make such other Objections as such Committee shall think proper.

Meeting of the Persons interested to be called by public Notice.

XVI. And be it enacted, That the said Commissioners shall, either by the Notice to be published and posted as aforesaid, or by a subsequent Notice to be published and posted in like Manner, call One or more public Meetings of all Persons interested in the Land or River, or Part of a River, proposed to be drained or improved, or likely to be affected by any of the Works proposed to be executed for such Drainage or Improvement, to be held on such Day or Days subsequent to the Expiration of such Period of Six Weeks, and at such convenient Place or Places within the District wherein such Land or River, or Part of a River, so to be improved, shall be situate, or in the Vicinity thereof, as the said Commissioners shall specify in such Notice: Provided always, that if the said Commissioners shall call such One or more Meetings by a subsequent Notice as before provided, they shall fix for such Meeting a Day not sooner than Twenty-one Days from the Date of such subsequent Notice.

Proceedings at Meeting.

XVII. And be it enacted, That at the Time and Place named in such Notice as aforesaid the said Commissioners shall attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting, as they may find necessary, and shall inquire into the Correctness of the Schedules containing the Names of such Proprietors and Occupiers as aforesaid, and shall hear all such Objections as shall have been or shall then be made by any Person or Persons interested in said Lands or River, or any Persons on his or their Behalf, as to any Omission or Misdescription in such Schedules, or any Name improperly inserted therein, and shall hear all such other pertinent Objections as shall have been or shall be then and there made by such Person or Persons to the Schedules, Maps, Plans, Sections, and Estimate which shall have been made under the Provisions herein-before contained; and the said Commissioners shall also hear and inquire, on Oath or otherwise, into all such Objections, by any of the Persons aforesaid, to the said proposed Works, as shall have been or shall then and there be made, and also all Objections to the stated Value of the Land, or to the stated probable Increase in such Value, as the same shall have been respectively set forth in the said Schedules, and also into all such Objections as shall have been made, or shall then and there be made, by or on behalf of the Owner, Lessee, or Occupier, or other Person interested in any Mill or Factory likely to be affected by any thing proposed to be done by the Commissioners under any of the Provisions of this Act, and after having considered all such Objections as aforesaid they shall cause such Alterations (if any) as they may deem expedient to be made in the said Schedules, Maps, Plans, Sections, and Estimate, and shall sign the same; and the said Commissioners shall receive and hear all such Evidence as may be offered to them in relation to the several Matters aforesaid, and shall give to the Persons present at such Meeting full Information respecting the Nature and Extent of the proposed Works, and shall take or receive the Assents in Writing of the Proprietors of the Lands comprised in such Schedules to the Execution of the proposed Works; and such Schedules, Maps, Plans, Sections, and Estimates, so signed by the said Commissioners, and the Assents which shall be given, shall be preserved by the said Commissioners in their Office in *Dublin*, and a Copy thereof shall be deposited with the Clerk of the Peace of each County wherein such Works are proposed to be executed, and shall be open to public Inspection at all reasonable Times, on Payment of a Fee of One Shilling, and shall, when required by the Secretary of the Grand Jury of any such County, be produced for Inspection at any Presentment Session to be held within such County.

Commissioners may adjourn Meetings.

XVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to adjourn any of the Meetings to be held by them under this Act to such Time and Place as they may think proper.

Presentment Session and Grand Jury may approve of Works, and undertake to pay the Costs thereof.

XIX. And be it enacted, That in every Case in which it shall be proposed that any River or Part of a River shall be made navigable, or the Navigation thereof improved as aforesaid, it shall be lawful for the Justices and associated Cess-payers, at the Presentment Session of each Barony or Half Barony within the District likely to be benefited by the Improvement of such River or Part of a River, and also at the Presentment Session to be holden for the County at large at any Time previous to or within Twelve Months after the Time of holding such Meeting as last aforesaid, to make a Declaration in the Form in the Schedule to this Act annexed, or as near thereto as may be convenient, approving of the proposed Works, and consenting that such Proportion of the Costs and Expences of effectuating the Portion of the Works relating to the Improvement of the Navigation of such River as shall be assessed upon such Barony or Half Barony, or any Townland or Townlands, or upon the County at large, under the Provisions of this Act, shall be raised off such Barony, Half Barony, or Townlands, or such County at large respectively; and every such Declaration shall be delivered to the Secretary of the Grand Jury of such County, and shall be laid by him before the Grand Jury of the said County at the next ensuing Assizes, together with the Report, Schedules, Maps, Plans, Sections, and Estimates relating thereto, and it shall be lawful for such Grand Jury to make Presentment allowing or disallowing the same; and it shall be lawful for any

any Person liable to be assessed under and by virtue of any Grand Jury Presentment, for any Proportion of such Costs and Expences, to traverse any such Presentment, and such Traverse shall be made and tried and in all respects disposed of as any Traverse of any Presentment for any public Work under any Act or Acts in force in *Ireland* relating to the Presentment of public Money by Grand Juries in *Ireland*; and all the Provisions of any such Act or Acts in relation to the Traverse of any such Presentment shall apply to any Traverse to be so made as aforesaid.

If they decline, any Person may guarantee Payment.

XX. And be it enacted, That if any such Presentment Session shall decline to make such Declaration as aforesaid, or if such Grand Jury shall decline to make Presentment thereupon accordingly, then it shall be lawful for any Person whomsoever to guarantee or otherwise secure the Payment of such Proportion of such Expences to the said Commissioners.

Two Thirds of Proprietors must assent to Drainage Works.

XXI. And be it enacted, That no Works shall be commenced for the Drainage of any Land under or by virtue of this Act unless the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved by such Drainage shall assent to the Execution thereof in Writing under their Hands respectively, within such Time as the said Commissioners shall appoint.

No Work for the Improvement of a River to be commenced till Declaration made, nor unless Two Thirds of the Proprietors of adjacent Lands to be drained assent.

XXII. And be it enacted, That no Work for the Improvement of the Navigation of any such River or Part of a River as aforesaid shall be commenced, unless such Declaration as herein-before mentioned shall have been made at the Presentment Session or Sessions of the Barony or Half Barony, Baronies or Half Baronies, which singly or collectively shall, according to the Estimate of the said Commissioners, be liable to contribute Two Thirds or more of the full estimated Expences of improving such Navigation, approving of the proposed Works, and consenting to pay the Expences as aforesaid, and unless a Presentment allowing the same shall have been made by the Grand Jury of the County in which any such Baronies or Half Baronies are situated, or unless some Person shall guarantee or otherwise secure the Payment of such Expences; nor shall any such Works be commenced unless the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved in connexion with such Navigation as aforesaid shall also assent to the Execution thereof in Writing under their Hands respectively.

Who shall be deemed Proprietors.

XXIII. And be it enacted, That any Person seised of or entitled to any Portion of the Land proposed to be drained or improved by Drainage, in possession as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant by Curtesy, and also any Person who shall be entitled under any Will or Settlement or any other Deed or Instrument (except a Grant or Lease reserving Rent, or an Agreement in Writing for such Grant or Lease), for his own Life or the Life of any other Person, or for Years determinable on such Life or Lives, and also any Person who shall be entitled under any Lease granted by a Bishop or any Collegiate or Ecclesiastical Body, or under any Lease granted by any Person having immediate or derivative Title from or under any Bishop, or any Collegiate or Ecclesiastical Body, which Lease shall contain a *toties quoties* Covenant of Renewal, and also any Person who shall be entitled under any Grant, Lease, or any other Deed or Assurance, for an Estate in Fee, or for a Term of Years absolute whereof Forty Years or more shall be unexpired, or for an Estate or Interest for any Life or Lives, renewable for ever, or for any Term or Terms of Years, renewable for ever, whether such last-mentioned Person shall be entitled to any such Estate, Term, or Interest, either absolutely or as Tenant in Tail, or as *quasi* Tenant in Tail, or for his Life, and also every Feoffee or Trustee of any such Land, or of any such Estate or Interest therein as aforesaid, for charitable or other Purposes, shall be deemed a Proprietor of such Land for the Purposes of this Act; and in every Case in which any Person seised, possessed of, or entitled to any such Land for any such Estate or Interest as aforesaid shall be an Infant, Feme Covert, Idiot, or Lunatic, the Guardian of such Infant, the Husband of such Feme Covert, and the Committee of the Estate of such Idiot or Lunatic, shall, subject to the Provisions herein-after contained, be deemed a Proprietor of such Land for the Purposes of this Act: Provided always, that no Person shall be deemed a Proprietor for the Purposes of this Act for or by reason of any Estate vested in him which shall have been created by way of Mortgage, or for the Purpose of securing the Payment of any Sum of Money, but that the Person who would be deemed a Proprietor for the Purposes of this Act if such Estate by way of Mortgage or for securing any Money had not been created shall, notwithstanding such Mortgage or Security, be deemed such Proprietor as aforesaid: Provided also, that where several Persons shall have, in any Land so proposed to be drained, such Estates or Interests as would otherwise entitle them under the Provisions aforesaid to be so deemed Proprietors, such of the said Persons shall be deemed the Proprietor, for the Purposes of this Act, as shall be in actual Occupation of the said Land, or as shall have such Estate or Interest as aforesaid therein next in Reversion or Remainder to the Estate or Interest of the Person in actual Occupation.

Persons entitled to certain Interests, upon giving Security, to be deemed Proprietors.

XXIV. And be it enacted, That at any Time before such Meeting as last aforesaid, or at any Period within such Time as may be appointed by the Commissioners for the receiving of Assents, and which Time they are hereby authorized to limit and appoint, any Person seised or possessed of any Portion of the Land proposed to be drained or improved, for any Life or Lives, or for any Term of Years determinable on any Life or Lives, or for any Term of Years absolute, whereof there shall be then Seven Years or more unexpired, who shall deposit with the said Commissioners such Sum of Money as to them shall seem sufficient for the Payment of the Sum with which such Portion of Land may become chargeable for or in respect of the Costs and Expences of the Works proposed to be executed, shall be deemed the Proprietor of such Land, and the Person entitled to assent, for the Purposes of this Act: Provided always, that in case several such Persons shall desire to become assenting Proprietors, and to make such deposit as shall be so required, Preference shall be given to such of the said Persons as shall be in actual Occupation

Occupation of the Lands; and in case the Person so in occupation shall not so desire, or shall not make such Deposit, then the Person who shall have the next Estate or Interest in such Lands greater than that of such Occupier or Occupiers thereof, and shall so desire, and make such Deposit, shall be preferred, and so on, that Person (if there be more than One signifying such Desire, and so making such Deposit,) being always preferred who shall have, among such Persons as last aforesaid, such Estate or Interest as aforesaid nearest in order to and greater than that of the Occupier of such Lands: Provided also, that in case any such Person shall become such assenting Proprietor the Assent of no other Person shall be taken into account in respect of such Lands.

Trustees, &c. may apply to Court of Chancery for Leave to assent.

XXV. Provided always, and be it enacted, That it shall and may be lawful for any Feoffee or Trustee for charitable or other Purposes, and also for any Guardian, Husband, or Committee of any Infant, Feme Covert, or Idiot or Lunatic, respectively, (on behalf of their respective Infants, Idiots, Wives, or Lunatics,) to apply, if they shall think fit, in a summary Way, by Petition to Her Majesty's Court of Chancery in *Ireland*, for Leave to assent to the Execution of any Works proposed to be done under the Provisions of this Act; and the said Court shall have Power to inquire into the Propriety of giving such Assent, and to make such Order on the Petition, and as to the Costs thereof, as to the Court shall seem meet; and if the Court shall authorize any such Assent being given, then it shall be lawful for the Person who shall have presented the Petition to give such Assent, and the same shall be as binding and effectual, to all Intents and Purposes whatsoever, as if the Person giving the same had been the actual Proprietor of the Lands in respect of which such Assent shall be given.

Joint Tenants to be accounted as One Person.

XXVI. And be it enacted, That Joint Tenants, Tenants in Common, and Coparceners jointly interested in any Portion of Land proposed to be drained or improved, shall, in respect of the Land in which they are so interested, be accounted as One Person: Provided always, that the Concurrence of the Person or Persons interested in or possessing Two Thirds of the Estate or Interest in such Portion of Land shall be sufficient for the Purpose of giving such Assent as aforesaid.

As to Concurrence of Lessee holding for a Life or Lives, &c.

XXVII. Provided always, and be it enacted, That where any Portion of Land proposed to be drained or improved by Drainage shall, at the Time hereby appointed for the giving such Assent as aforesaid, be in the actual Occupation of any Person, under any Grant, Lease, or Agreement in Writing for a Lease, for a Life or Lives, or for a Term of Years whereof more than Fourteen Years shall be unexpired, the Consent in Writing of such Person shall be necessary in order to give Validity to the Assent of the Proprietor, in respect of the Lands comprised in such Grant, Lease, or Agreement, any thing herein-before contained to the contrary notwithstanding.

Assents may be given by Agents.

XXVIII. And be it enacted, That the Assents and Consents of Proprietors or other Persons required to be given in Writing for any of the Purposes of this Act may be given by the known Agent or Attorney of any such Proprietor or Person duly authorized for all or any of such Purposes.

Where the Weir, Dam, &c. of a Mill or Factory causes occasional flooding, the Commissioners shall have Power to construct Works for Discharge of the surplus Water, &c.

XXIX. And be it enacted, That in Cases where, from the damming up of any River or Stream by the Weir, Dam, or other Work or Obstruction of any Mill or Factory, occasional Damage may arise by the overflowing of such River or Stream, it shall be lawful for the said Commissioners to construct any Reservoir, Embankment, Tunnel, or Back Drain, and to erect any Floodgates, Sluices, Over-falls, or other Works, and to make any Alterations in the Dams, Weirs, Works, Obstructions, or Watercourses connected with such Mills or Factories, which shall be necessary to prevent the ill Consequences of sudden or occasional Floods in such River or Stream, and to provide for the more safe and easy Discharge of surplus Water therefrom, but always so that the Supply of Water sufficient for securing the Amount of working Water Power theretofore enjoyed by any such Mill or Factory shall not be thereby lessened; and the Level of the Water at which such Amount of working Water Power shall be secured shall be previously inquired into and ascertained by the said Commissioners; and all Persons interested in such Mill or Factory, or in any Land to be drained as aforesaid, shall be at liberty to object to the Level which shall be so ascertained, either at the Meeting herein-before directed to be held, or at any Meeting to be called by the said Commissioners for such Purpose; and the said Commissioners shall hear and decide upon all such Objections, and declare what such Level shall be, and shall state the same in the Declaration hereinafter directed to be made by the said Commissioners; and the said Commissioners, in case they shall so interfere with any such Mill or Factory, shall also cause a Stone Cill or Gauge to be erected at some one Floodgate, Sluice, or other convenient Position connected with such Mill or Factory, on which shall be marked, in clear and legible Figures or Letters, the due and proper Level of Water ascertained and declared as aforesaid.

Where the Weir, Dam, &c. of a Mill or Factory by flooding causes Injury, &c. all necessary Alterations may be made therein, if the Water Power be not lessened thereby.

XXX. And be it enacted, That if any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory shall cause the flooding of any Lands included in any District in which this Act shall be brought into operation, situate near the Stream or River flowing to or over such Weir, Dam, or other Work or Obstruction, so as thereby to injure such Lands, or prevent their Improvement, and if such flooding cannot, in the Opinion of said Commissioners, be otherwise remedied or prevented, it shall be lawful for the said Commissioners, so far as shall be necessary for remedying or preventing such flooding and Injury, or such Impediment to the Improvement of such Lands as aforesaid, to alter any such Dam, Weir, Work, or Obstruction, or the Position or Level thereof, and to raise or lower or alter any Water Wheel or any Machinery immediately attached thereto, and the Levels of the Head and Fall of any Water to such Mill or Factory: Provided always, that in all Cases where any such raising, lowering, or Alterations as aforesaid shall be effected, the Amount of working Water Power of such Mill or Factory or Water Wheel shall not be in anywise lessened thereby, and that all such additional Wheels, Fittings, Buildings, Machinery, Sluices, Cuts, Dams, Gates, and all other such Works and Things as shall be suited

to such raising, lowering, Modification, and Alteration respectively, or necessary or proper and sufficient for the due, convenient, and permanent working of such Mill or Factory, with such full Amount of working Water Power, shall be made, provided, erected, fitted, and placed by such Commissioners in a workmanlike Manner, and with proper and durable Materials, and that such Commissioners and the Trustees to be appointed as herein-after mentioned shall (save as herein-after provided) from Time to Time and at all Times uphold, maintain, and keep in repair all such additional Sluices, Cuts, Dams, Gates, and other Works as shall be so made, provided, erected, or placed, or as shall be necessary or proper and sufficient for the Purposes aforesaid; and that the Expence of so making, providing, erecting, fitting, placing, and (save as herein-after provided) of maintaining, repairing, and upholding the same, shall be raised, levied, and defrayed out of the Funds and Rates which shall be provided or imposed in relation to any Lands in such District under the Provisions of this Act: Provided also, that nothing in this Act contained shall be deemed or construed to create or confer any Right to any Water in respect to any Mill or Factory to which the Owner or Occupier would not have been entitled if this Act had not been passed.

Where the Weir, Dam, &c. of any Mill or Factory causes Injury, &c. the same may be taken by the Commissioners at a Valuation.

XXXI. And be it enacted, That if any Weir, Dam, or other Work or Obstruction belonging to or connected with any Mill or Factory shall cause the flooding or prevent the draining of any Lands included in any such District as aforesaid, so as thereby to injure such Lands, or prevent their Improvement, to an Extent in Value equivalent to or exceeding Three Times the then present Value of such Mill or Factory, it shall be lawful for the said Commissioners, in case they shall not agree for the Purchase of such Mill or Factory, Weir, Dam, and other Work, to take the same, and to award Compensation for the Value thereof, in like Manner and subject to the like Appeal as by this Act provided in reference to any Land to be taken by the said Commissioners for the Purpose of any Works to be executed under this Act.

Before Mill or Factory interfered with Declaration shall contain necessary Statements.

XXXII. Provided always, and be it enacted, That before the said Commissioners shall proceed to take any such Mill or Factory, and the Works connected therewith, as aforesaid, or to effect any such Constructions, Erections, lowering, raising, or Alteration as aforesaid, the said Commissioners shall insert in the Declaration which they are herein-after required to make such Statement with respect to the several Matters aforesaid as herein-after directed to be made in Cases where any Mill or Factory is proposed to be interfered with.

Commissioners shall make Declaration, stating the Names of assenting Proprietors, &c.

XXXIII. And be it enacted, That at or after the Meeting herein-before directed to be convened by the said Commissioners, and if then, or within such Period as shall have been limited and appointed by them as herein-before provided, the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved by Drainage shall have assented in Writing to the Execution of the proposed Works, the said Commissioners shall make and sign a Declaration, describing the Land proposed to be drained or improved, and declaring the then actual Value thereof, and the estimated Increase in such Value by means of the proposed Works, and the Proportions with which such Land shall be chargeable towards the Costs of the proposed Works, such Proportions being fixed according to such actual Value and such estimated Increase as aforesaid, and also stating therein the Names, Additions, and Residences of the Proprietors who shall have assented to the Execution of the proposed Works, and the Land belonging to them respectively, and in respect of which they shall have so assented; and in such Declaration shall also be described the River (if any) the Navigation whereof is proposed to be made or improved, and the Baronies, Half Baronies, or Townlands in the District likely to be benefited by the making or Improvement thereof, and the Proportions in which such Baronies, Half Baronies, and Townlands will be so benefited; and in all Cases wherein any Mill or Factory, or any Weir, Dam, or other Work or Obstruction belonging to or connected with any Mill or Factory, shall cause flooding, so as thereby to injure or prevent the Improvement of such Land as aforesaid, it shall be stated in such Declaration that such Mill or Factory, or such Weir, Dam, or other Work or Obstruction, as aforesaid, causes the flooding whereby such Injury is produced or Improvement prevented, and whether such Injury or Prevention of Improvement be to an Extent in Value or exceeding Three Times the Value of such Mill or Factory; and in case such Injury or Prevention of Improvement be to an Extent in Value less than Three Times the Value of such Mill or Factory, it shall be stated in such Declaration whether, in the Opinion of the Commissioners, the flooding of said Lands cannot be remedied without altering such Dam, Weir, Work, or Obstruction, or the Position or Level thereof, and also the Amount of the actual working Water Power of such Mill or Factory, also the Level of the Water at which the Amount of working Water Power theretofore enjoyed by such Mill or Factory can be secured; and such Declaration shall be printed, and Copies thereof deposited with the Clerk of the Peace, and (when it is proposed that any Navigation shall be made or improved by such Works) with the Secretary of the Grand Jury, of each County in which the Land or River, or any Part thereof, proposed to be drained or improved by Drainage is situate, and also in such convenient Places as the said Commissioners shall think fit; and in all Cases where it is proposed to interfere with any Mill or Factory, or any Works or Appurtenance thereof as aforesaid, the said Commissioners shall deliver or cause to be delivered to the Owner or Occupier of any such Mill or Factory, or to his Clerk, Agent, or Servant superintending the same, a Copy or Duplicate of such Declaration as aforesaid, together with a written Description of such Part of the proposed Works as shall be intended to be executed at or in respect of such Mill or Factory, and all Persons may inspect and take Extracts of or Copies from such Declaration; and all Persons requiring Copies of or Extracts from such Declaration to be made by such Clerk of the Peace shall be entitled to the same on Payment of the Costs thereof, not exceeding Three Halfpence for every Seventy-two Words.

Declaration to be printed, published, and deposited for public Inspection, &c.

XXXIV. And

Notice to be given of the Places where Copies of the Declaration shall be deposited.

XXXIV. And be it enacted, That the said Commissioners shall cause a Notice, stating the Places in which Copies of such Declaration have been deposited, to be published in some Newspaper usually circulated in the District in which the Land or River proposed to be drained or improved shall be situate, or in the immediate Vicinity thereof, and also to be posted in the usual Places for posting Grand Jury Notices in every Barony of the County in which any Part of such District shall be situate; and each Copy of such Notice which shall be so posted shall have annexed thereto a List of the Names, Additions, and Residences of the Proprietors who shall have so assented as aforesaid.

General Appeal to Assistant Barrister.

XXXV. And be it enacted, That if any Person shall be aggrieved by the Declaration which shall be so made by the said Commissioners, or by any thing contained therein or omitted therefrom, or by any other Act, Deed, Matter, or Thing whatsoever done or omitted to be done by the said Commissioners under or by virtue of the Provisions herein-before contained, or any of them, it shall be lawful for such Person to appeal against or in respect of such Declaration, or any such Act, Deed, Matter, or Thing, to the Assistant Barrister, at the first Quarter Sessions of the Peace, or Adjournment thereof, to be holden in and for the Division of the County wherein any Part of the Land or River proposed to be drained or improved shall be situate, which shall be holden next after the Publication of such Declaration, or next after the Cause of Complaint shall have arisen in respect of which such Appeal shall be made; and the Person so appealing shall give Fourteen Days Notice at least in Writing of such Appeal to the said Commissioners, and within Four Days after the Date of such Notice enter into Recognizance before some Justice of the Peace for such County, in the Sum of Twenty Pounds, with Two sufficient Sureties, each in a Sum of Ten Pounds, conditioned to try such Appeal, and to abide by or to submit to such Order as shall be made thereon, and to pay such Costs as shall be awarded by the Assistant Barrister at such Quarter Sessions, or any Adjournment thereof; provided that, for Want of sufficient Time for giving such Notice previous to the next Quarter Sessions, or Adjournment thereof, then such Appeal, under the like Recognizance and with the like Notice, may be made at the Quarter Sessions, or Adjournment thereof, to be holden in and for such Division next after the Expiration of Fourteen Days from the Publication of such Notice, or the Cause of Complaint arising.

Proceedings before the Assistant Barrister.

XXXVI. And be it enacted, That the Assistant Barrister at such First or Second Quarter Sessions, or any Adjournment thereof, upon Proof of such Notice as aforesaid, and of the entering into such Recognizance, shall hear and determine the Matter of such Appeal, and make such written Order thereon as to him shall seem fit; and such Assistant Barrister may order the Costs of any such Appeal to be paid, wholly or in part, by the said Commissioners or the Party appealing, and if the same shall be ordered to be paid by the Party appealing, such Assistant Barrister may, by a Warrant under his Hand, direct same to be levied by a Distress and Sale of his Goods and Chattels: Provided always, that nothing herein contained shall be construed to authorize or empower any Assistant Barrister to make any Order directing that the general Execution of the proposed Works shall not be proceeded with, unless it shall appear before him that the Proprietors as aforesaid of Two Thirds in Extent of such Lands have not assented as herein-before required, or to make any Order affecting the peculiar Mode of Construction of any of the Works which shall have been approved of by the said Commissioners, or to make any Order affecting the Costs of carrying the said proposed Works into execution: Provided also, that in all Cases of Appeal respecting Mills or Factories only, if the said Commissioners or the Appellant shall be dissatisfied with the Decision of the Assistant Barrister, it shall be lawful for such Commissioners or Appellant, within One Month after such Decision, to apply, by Petition in a summary Way, to the Court of Chancery or Exchequer, by way of Appeal against such Decision, and such Court may direct the Notes of the Evidence taken on such Hearing to be furnished by such Assistant Barrister, and shall make such Order thereupon, whether for a Re-hearing before such Assistant Barrister or otherwise, as shall appear just: Provided also, that the Proceedings on such Petition shall not, in case the Decision of such Assistant Barrister shall be in affirmance of such Declaration, stay the Prosecution of such Works, but the Commissioners may proceed with the same, subject to such Order of such Court respecting the Prosecution, Modification, or Stoppage of such Works, or respecting such Mill or Factory, or for Compensation to the Party interested therein, or otherwise, as the Court may deem just; and such Order shall be binding and conclusive on all Persons whomsoever.

Commissioners to give a final Notice that all the Requisites of the Act have been complied with.

XXXVII. And be it enacted, That when and so soon as all the several preliminary Measures and Proceedings herein-before directed to be taken and observed, including such Appeal (if any) to the Assistant Barrister as aforesaid, shall have been concluded, the said Commissioners shall give a final Notice that all the Requisitions of this Act with respect to the Land or River proposed to be drained or improved have been duly complied with; and a Copy of such Notice, signed by the said Commissioners, shall be published in the *Dublin Gazette*, and in some Newspaper usually circulated in the District wherein such Land or River shall be situate, or in the Vicinity thereof, and shall be posted on the usual Places for posting Grand Jury Notices in the Barony or Baronies in which such District shall be situate.

Publication of such Notice to be conclusive.

XXXVIII. And be it enacted, That the Publication of any such last-mentioned Notice shall be deemed final and conclusive Evidence that the several preliminary Measures, Proceedings, and Requisitions herein-before directed to be taken and observed have been duly taken and observed; and after such Publication it shall not be lawful for any Person to question or appeal against or in respect of any Thing whatsoever done or omitted to be done by the said Commissioners under any of the Provisions herein-before contained, save only by such Petition to the Court of Chancery or Exchequer as aforesaid.

As to Expences of preliminary Proceedings.

XXXIX. And be it enacted, That in every Case where any such final Notice shall be published as aforesaid all the Costs and Expences of the preliminary Proceedings herein-before directed to be taken shall be considered as Expences incidental to the Execution of the Works proposed to be executed, and shall be defrayed accordingly, and the Sum of Money (if any) deposited by or on behalf of the Person by or on behalf of whom such Memorial as aforesaid shall have been presented shall be repaid to such Person, without Deduction, out of any Monies which shall be raised by the said Commissioners under the Provisions herein-after contained; but if in any Case the said Commissioners shall determine that it is inexpedient to drain or improve the Land or Navigation of the River referred to in any such Memorial, or if the necessary Assents herein-before required to be obtained shall not be given to the Execution of the proposed Works, then and in any such Case all Expences which shall have been incurred shall be defrayed out of the Sum of Money which shall have been deposited with the said Commissioners under the Provisions in that Behalf herein-before contained; and if such Sum of Money shall be insufficient to pay such Expences, then the Balance thereof shall be paid by the Person who shall have presented such Memorial as aforesaid, and the same shall be recoverable from such Person by the said Commissioners, by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin*; and in all Cases where a Memorial shall have been presented by the Secretary by Order or on behalf of the Grand Jury of any County, the said Commissioners shall transmit to the Secretary of such Grand Jury a Certificate specifying the Amount of such Expences which shall have been incurred as aforesaid, and the same shall be paid out of the Sum which shall have been deposited on behalf of such Grand Jury; and if such Sum so deposited shall be insufficient to pay such Expences, then the Balance thereof, as stated in such Certificate, shall be presented by the Grand Jury at the next Assizes to be holden subsequent to the issuing of such Certificate as aforesaid for the same County; and in default of such Presentment being made at such Assizes the Court at such Assizes or any subsequent Assizes shall order such Amount to be raised off such County, and such Order shall have the Force of a Presentment, and the Treasurer of such County shall insert the Amount specified in such Order in his Warrant, and the same shall be applotted, raised, and levied as if the same had been duly presented, and shall be paid by the Treasurer of such County to such Commissioners; and in case the Sum deposited with the said Commissioners by any such Person, or by or on behalf of any Grand Jury as aforesaid, shall be more than sufficient to defray the Expences aforesaid, then the Surplus shall be repaid to the Person, or to the Treasurer of the Grand Jury, by whom or on whose Behalf the same was deposited with the said Commissioners, and such Treasurer shall keep a separate Account of the Monies so returned to him as aforesaid.

After final Notice, Works may be commenced.

XL. And be it enacted, That at any Time after the Publication of any such final Notice as herein-before mentioned the said Commissioners may, in case it shall seem to them expedient, commence and proceed with the Works proposed to be executed for the Drainage or Improvement of the Land or Navigation of the River to which such Notice may relate.

Commissioners to appoint Officers.

XLI. And be it enacted, That it shall be lawful for the said Commissioners to appoint, employ, and dismiss at pleasure such Engineers, Surveyors, Clerks, Collectors, Receivers, or other necessary Officers, and pay and allow, out of the Funds at their Disposal under this Act, to such Engineers, Surveyors, Clerks, Collectors, Receivers, and other Officers, such yearly or other Salary or Wages as the said Commissioners shall think fit; and all and every the Person or Persons employed as aforesaid shall, when required so to do by the said Commissioners, render to them a true and perfect Account of all Monies which shall have been received and paid by them respectively by virtue of such Employment, with proper Vouchers for the same, and shall pay to the said Commissioners, or such Person as they shall authorize to receive the same, all such Sums as shall be due to the said Commissioners from such Persons, and shall deliver up all Vouchers, Books, and Writings relating to their respective Offices to the said Commissioners; and in case any Person who shall be so employed as aforesaid shall refuse or neglect to render such Account and make such Payment as aforesaid, or to deliver up such Vouchers, Books, and Writings to the said Commissioners, or to such Person as they shall empower to receive the same, then and in every of the said Cases it shall and may be lawful to and for any Two or more Justices of the Peace, at Petty Sessions assembled, to inquire into the Matter of such Default in a summary Way; and if such Person shall thereof be convicted, either by Confession, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, such Justices shall commit the Party to the Common Gaol of the County, there to remain for any Time not exceeding Twelve Calendar Months, or until he shall have made a perfect Account and Payment as aforesaid, and shall have delivered up all such Vouchers, Books, and Writings in his Custody, or shall have compounded or agreed with the said Commissioners, which Composition and Agreement the said Commissioners are hereby empowered to make.

All Officers to account.

Reservoirs and Embankments to be made.

XLII. And be it enacted, That it shall be lawful for the said Commissioners, at their Discretion, and for the Purposes of this Act, to make Reservoirs or Embankments, with Valves and Cloughs to draw the Water from or out of such Reservoirs, and also Cuts, Aqueducts, Feeders, Bye-washes, Spill-waters, Weirs, Dams, Banks, Drains, Sluices, and other Works for securing a Supply of superabundant or flood Waters to said Reservoirs or Embankments, or for leading the Waters therefrom, with Over-falls for allowing the Escape of Water, and for the Protection, Security, cleansing, Repair, and Maintenance of such Reservoir and other Works, and also to provide and keep in repair near each of the said Reservoirs a House with necessary Accommodations for the Residence of a Person to superintend such Reservoir and other Works; and such Person shall have full Power and Authority (subject nevertheless to the Control of the said Commissioners) to superintend and regulate the Outlet of Water from such Reservoir, and all Matters and Works connected therewith; and it shall also be lawful for the said Commissioners to make

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any Road or Way in lieu of any existing Road or Way which it may be necessary to divert or occupy for the Purpose of making any such Reservoirs, Embankments, or Works, and to make and maintain all such other Roads or Ways in, through, over, or upon any Land near to or adjoining any of the said Reservoirs as they may find expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have access to such Reservoirs, Embankments, and Works, or any of them, with or without Cattle, Carts, or Carriages.

Power to divert the surplus Waters of Rivers, &c. adjoining the Reservoirs.

XLIII. And be it enacted, That it shall be lawful for the said Commissioners to make such Feeders or Channels, with such Cutwaters, Drains, and other Works as they shall deem proper, for collecting and conducting into the said several Reservoirs the surplus Waters over and above the necessary Supply of any River, Stream, Brook, or Spring near thereto, and of the tributary Streams and Rivulets of any such Brook or Stream over and above what shall be sufficient for the Supply of Mills or Factories, Land or Works, through or near to which the same Rivers, Streams, or Brooks respectively flow.

Where Reservoirs or Embankments may be made for maintaining a constant Supply of Water to Mills or Factories, Commissioners may make same, &c.

XLIV. And be it enacted, That for the Purpose of maintaining a constant Supply of Water for Mills or Factories on any River or Stream, or preventing sudden Floods therein, it shall be lawful for the said Commissioners, with the Assent of the Proprietors of such Mills or Factories, the Value of the working Water Power of which shall be equal to Two Thirds of the Value of the working Water Power of the Mills or Factories which shall be then existing on such River or Stream, and affected by the maintaining of such constant Supply of Water, to make Reservoirs or Embankments, and to impose a Tax or Rate on the whole of the Mills and Factories along said River or Stream which shall be benefited thereby, or on such new Mills or Mill Sites as shall or may be formed thereon and benefited thereby, for the Purpose of defraying the Costs of making and maintaining such Reservoirs or Embankments, in the Proportion of the Benefit conferred, such Benefit to be calculated by the said Commissioners upon each Foot or Fall of Water which shall appertain to each such Mill or Factory; and the said Commissioners shall have such and the like Power and Authority to recover the Amount of Rate which shall be so fixed and determined by them as are by this Act given to them for the Recovery of any other Rate or Charge imposed hereby; and it shall be lawful for the said Commissioners to borrow Money, for the Purpose of making such Reservoirs or Embankments as last aforesaid, upon the Security of the Taxes or Rates which they are hereby empowered to impose on such Mills or Factories as aforesaid: Provided always, that it shall not be lawful for the said Commissioners to make any such Reservoir or Embankment, or to take away, injure, or prejudicially affect any Land or Lands for the Purpose last aforesaid, without the Consent for that Purpose first had and obtained in Writing of all Persons having any Estate or Interest in such Lands greater than a Term of Seven Years then unexpired: Provided also, that in each Case before any such Reservoir or Embankment as last aforesaid shall be made, all the preliminary Measures and Proceedings herein-before required to be taken or observed previous to the Publication of such final Notice as aforesaid, in Cases where Drainage, or Improvement by Drainage, is proposed to be effected, or such of them as shall be applicable, with like Right of Appeal, shall be duly taken and observed, and a final Notice, stating that all the Requisitions of this Act with respect to such Reservoirs or Embankments have been duly complied with, published and posted in such Manner as the final Notice herein-before mentioned, which shall be in like Manner binding and conclusive on all Persons; and thereupon all the Provisions, Powers, and Authorities in this Act contained or given shall and may be used and exercised for making and maintaining such Reservoir or Embankment, or for any other Matter or Thing relating thereto.

Who shall be deemed Proprietors of such Mills or Factories.

XLV. And be it enacted, That in all Cases where any such Reservoirs or Embankments as last aforesaid are proposed to be made, each Person shall be deemed a Proprietor of any such Mill or Factory as last aforesaid who shall have therein such an Estate or Interest as is herein-before required to qualify any Person to be deemed a Proprietor of any Land proposed to be drained or improved by Drainage under the Provisions of this Act.

Weirs may be altered or removed, making Compensation to the Owners thereof.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time, at their Discretion, to alter or remove any Fishing Weir erected in or upon any Stream of Water, or any Impediments whatsoever in or on any River, Stream, or Watercourse, which now or hereafter shall be within the District within which it may be proposed that the said Works shall be executed, (subject, as regards Weirs or Dams of Mills or Factories, to the Provisions herein contained,) making such Satisfaction and Compensation for all Damage or Injury to the Proprietors or other Persons interested in such Weirs, Rivers, Streams, or Watercourse, by and out of the Monies to be raised and levied by virtue of this Act, as shall be settled and ascertained in manner herein-after mentioned, in case the said Commissioners shall not be able to come to an Agreement for same with such Proprietors or Persons.

Power to remove or alter Mills, Dams, &c. where necessary for Navigation.

XLVII. And be it enacted, That in all Cases where a Navigation is proposed to be created or improved in conjunction with Drainage, and it shall be necessary for the Purpose of such Navigation to remove or alter any Mill, Factory, Dam, Weir, Sluices, or other Appurtenances belonging to any Mill or Factory, it shall be lawful for the said Commissioners to remove or alter same, on Payment or Tender to the Occupier or Occupiers, Proprietor or Proprietors thereof, of such Sum for the Purchase thereof, or as a Compensation for the Injury thereto, and in such Proportions respectively, as shall be awarded by the said Commissioners, or shall be determined by the Assistant Barrister or a Jury on an Appeal, as herein-after provided.

Power to Commissioners, in case the Mill Power be improved with it Owner's Con.

XLVIII. And be it enacted, That in case the Proprietor of any Mill or Factory shall consent that any Dam, Weir, or Watercourse, or other Work or Obstruction connected with such Mill or Factory, shall, for the Purpose of Drainage to be effected under this Act, be altered and re-built, or that such Mill or Factory shall, by any Works of the said Commissioners, obtain any increased Water Power,

sent, to rate the Mill Owner towards the Expences of the Works.

it shall be lawful for the said Commissioners to fix and determine the Amount of Rate or Contribution which shall be paid by the Proprietor of such Mill or Factory for the Improvement which shall be so effected, towards the Repayment of the Costs and Expences of the Works to be executed within the District within which such Mill or Factory is situate, and the Rate which shall be paid in future for such increased Water Power from such Reservoir; and the said Commissioners shall have such and the like Powers and Authorities to recover the Amount of Rate which shall be so fixed and determined as are given to them by this Act for the Recovery of any other Rates or Charges imposed hereby.

Any Improvement made in the Dams to Mills, &c. shall be set off against Loss by temporary Stoppage.

XLIX. And be it enacted, That in all Cases in which, in the Progress of the Execution of any Work under the Provisions of this Act, any Mill or Factory shall be stopped from working, and Compensation shall be awarded for any Injury resulting therefrom, it shall be lawful for the said Commissioners, or the Assistant Barrister or Jury in case of Appeal under the Provision herein-after contained for the Adjustment of Claims for Compensation, to set off against the same the Value of any Benefit resulting from any Improvement which shall be effected by the Execution of such Works in the Water Power of or Constancy of Supply of Water to such Mill or Factory, or by the Relief from Back-water afforded to it.

Commissioners may appoint Persons to open Floodgates, &c.

L. And be it enacted, That the Commissioners or Trustees herein-after mentioned may, if they shall deem fit, for the Prevention of Dispute, and for the due Regulation of the Water in any River, Stream, or Drain which shall be improved or made under the Provisions of this Act, appoint a proper Person for the Regulation, opening, and closing of any Floodgates, Sluices, Stopgates, or Stops of any Weir, Dam, or other Work connected with any Mill or Factory which may have been in any respect interfered with by the said Commissioners or Trustees, or of any Weir, Dam, or other Work which may be under the Care or Control of the said Commissioners or Trustees, or vested in or erected by them or either of them, under the Provisions of this Act; and such Person so appointed shall have full Power and Authority to regulate, open, and close the same for the Purposes aforesaid, subject nevertheless to the Control, Orders, and Directions of the said Commissioners or Trustees, as the Case may be; and all Expences of maintaining same, and the Sills and Gauges herein-before directed to be erected, and of remunerating said Person employed to regulate same, shall, save as herein-after provided, be defrayed by the said Commissioners or Trustees respectively out of the Funds and Rates which shall be levied under the Provisions of this Act.

Owners or Occupiers not to be exonerated from making Repairs.

LI. Provided always, and be it enacted, That nothing herein contained shall be construed to exonerate the Owner or Occupier of any Mill, Factory, or Mill Site, or any other Person, from such Obligation, Duty, or Liability to preserve or repair the Banks of any River, Stream, or Watercourse, or to maintain any Dam or Sluice or Floodgate, or any Engine, Contrivance, or other Work for regulating or maintaining the Supply of Water in any Dam or Watercourse, or to maintain or repair any Building, Machinery, or other Work whatsoever, as he may or would have been respectively subject or liable to if this Act had not been made.

Remedy by summary Application to the Court of Chancery or Exchequer in the event of Commissioners failing to secure the due Amount of Water Power to the Owner of Mill or Factory.

LII. And be it enacted, That any Person interested in any Mill or Factory affected or proposed to be affected by any thing to be done under the Provisions of this Act may apply, by Petition in a summary Way, to the Court of Chancery or Exchequer, complaining that the due Amount of Water Power has not been properly secured to or for such Mill or Factory, or that any Act has been done, or has been threatened or proposed to be done, by the said Commissioners, or by any Person acting or pretending to act under the Provisions of this Act, by which Injury has been or may be sustained by such Mill or Factory, or by such Person so interested, in respect thereof, and which Act may not be authorized by this Act; and thereupon such Court shall make such Order, and direct such Proceedings, whether before One of the Masters or the Chief or Second Remembrancer of such Court respectively, or by directing any Issue or Issues to be tried before a Judge and Jury at the Assizes, or before the Assistant Barrister and a Jury at the Quarter Sessions, or otherwise, as such Court may order; and thereupon it shall be lawful for such Court to direct such Works to be made by such Commissioners as to such Court of Chancery or Exchequer shall seem necessary or proper, and to make from Time to Time such further or other Order, whether for Compensation to any Party interested in such Mill or Factory, or for restraining the Commissioners or any other Person from doing any Act, or otherwise, as to such Court shall seem just, and to issue any Writ or Writs of Injunction for any of the Purposes aforesaid for which the same may be required; and such Court shall have Power to award Costs to either Party: Provided always, that such Petition shall be presented within Six Months after the Subject Matter of such Complaint shall have arisen.

Power to execute the Works.

LIII. And be it enacted, That it shall be lawful for the said Commissioners to contract with or employ such Contractors, Surveyors, Agents, and Workmen as they shall think fit, and to make and execute all such Works as shall be described in the Maps, Plans, and Sections herein-before mentioned, or such Deviations therefrom, or such other Works as they shall deem necessary for effecting all or any of the Purposes of this Act, and for such Purposes to enter into and upon any Land whatsoever, and to widen, straighten, deepen, divert, scour, or cleanse any River, Stream, Drain, Brook, Pool, or Watercourse running through such Land, and to make, open, and cut in or upon the same any new Watercourse, Side Cut, Ditch, or Drain, and to alter or remove any Bank, Sluice, Floodgate, Lock, Drain, or Tunnel, and to make or erect any Wharf, Landing Place, Pier, Quay, Harbour, Bank, Sluice, Floodgate, Lock, Lock House, or other Building, Drain, Tunnel, Towing Path, or other Works necessary for Drainage or Improvement of the Navigation, and to dam, bar, and stop up, with any Weir or Dam, any River, Brook, Pool,

Pool, Stream, or Watercourse, and also to make upon such Land any Embankment against the Sea, or any Lake, River, Stream, or Watercourse, and to put and place on such Land any Piles, Stones, Earth, Soil, or other Materials for the Purposes of the Works, or for the more effectual Protection or Defence of such Land, or for the better conveying the Waters from the said Land into the Sea, or into any River, Lake, Stream, or Watercourse, and also to form any Dam, and to erect any Sluice, Hatch, or Lock, in any River, Lake, Stream, or Watercourse, for the Purpose of supplying Water to any Mill or Factory, or to any Site proper for the Erection of a Mill or Factory thereon, or of keeping back a Sufficiency of Water for the Use of Cattle, or for the Irrigation or warping of Lands where such Irrigation or warping shall be wanted, and shall be a beneficial Manurance to such Lands, and also to stop up or divert any Road or remove any Bridge, and to make any new Road or Bridge, and also from Time to Time to repair, alter, or remove any Sluice, Floodgate, Hatch, Tunnel, Road, or other Works now made or to be made as aforesaid, and to divert, deepen, widen, cleanse, and scour any Ditch, Drain, Watercourse, or Side Cut now existing or to be made as aforesaid, and also to do all such Things, and erect such Steam and other Engines, and execute all such Works, as may be necessary or convenient for the Purposes of this Act, making Compensation, to be ascertained in the Manner herein-after mentioned, to all Persons for any Damage occasioned to them by the Exercise of any such Powers.

Commissioners may enter Lands and dig for Materials, on making Compensation.

LIV. And be it enacted, That it shall be lawful for the said Commissioners, or any Engineer, Workman, or other Person authorized by them, after Three Days previous Notice, to enter into, and to search for, dig, take, and carry away Materials out of any Land lying within or contiguous to the Land or River proposed to be drained or improved, for the Purpose of executing or repairing any Works under the Provisions of this Act, making such Compensation for the Surface Damage done to the Proprietors, Lessees, or Occupiers of such Lands, according to their respective Interests therein, as to the said Commissioners shall seem fit and reasonable; and in case of Dispute such Compensation shall be settled, on a Summons to be issued for that Purpose, by any Two or more Justices of the Peace for the County in which such Land is situate, at Petty Sessions: Provided always, that in all Cases where Materials shall be taken from an open Quarry *bonâ fide* demised to any Person, with Liberty to raise, sell, and dispose of the Materials therein, the Value of such Materials shall be paid for by the said Commissioners, and the Amount owing, in the event of Difference as to the same, shall be settled on Summons by any Two or more Justices as aforesaid.

Commissioners to fill up Holes and Pits not found useful, and fence off those that may be useful.

LV. And be it enacted, That if, by reason of the searching for, digging, or getting any Materials as aforesaid, any Pit or Hole be made in any Common or other Land wherein such Materials shall be found, the said Commissioners shall forthwith, where the same shall be necessary for the Safety or Security of the Public, or, if the Proprietor or Occupier shall so require, cause the same to be sufficiently fenced off during such Time as the said Pit or Hole shall be used, and shall, within Six Days after having dug up sufficient Materials, if such Pit or Hole is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful the said Commissioners shall cause the same to be sufficiently secured by Posts and Rails, or other Fences, so as to prevent Accidents to Cattle or Persons.

Power to Commissioners to make Drains through Land not proposed to be drained, making Compensation.

LVI. And be it enacted, That if it shall be necessary for improving the Outfall of any Land, or for the Purpose of carrying off Water from any Land to be drained, or from any Drain to be made, scoured out, or enlarged under the Authority of this Act, to scour out, widen, or enlarge any River or Drain, or to make any Drain, Culvert, or Tunnel through any Land not included in such District as aforesaid, it shall be lawful for the said Commissioners to enter upon said Land, and to scour out, widen, straighten, or enlarge such River or Drain, or to make such Drain, Culvert, or Tunnel, due Compensation being made by the said Commissioners for any Damage done thereby, to be ascertained in such Manner as any other Compensation is herein-after directed to be ascertained.

Commissioners may enforce cleansing of Drains, &c.

LVII. And be it enacted, That where any Person shall be liable, by Prescription or otherwise, to scour out or cleanse any Drain, Sewer, Watercourse, River, or Rivulet lying below or between or in any Land authorized to be drained by virtue of this Act, or the Outfall thereof, the said Commissioners may require such Person to scour out and cleanse the same; and in case such Person shall neglect, within Fourteen Days after Notice in Writing given to him, or to the Tenant of the Land in respect of which such Liability exists, or left at the usual Abode of such Person or Tenant, to cleanse any such Drain, Sewer, Watercourse, River, or Rivulet to the full and proper Width and Depth, the said Commissioners may cause the same to be well and sufficiently cleansed and scoured out, and they are hereby empowered, by Warrant under their Hands and Seals, to cause the Sum of Money expended in so doing to be levied by Distress and Sale of the Goods and Chattels of such Person or Tenant, together with the Charges attending such Distress and Sale.

Any Party whose Lands may be injured by the Neglect to maintain the Banks or scour the Channels of existing Drains, &c. may require the Proprietors so neglecting to join in an effec-

LVIII. 'And whereas by reason of the Neglect of or Want of Co-operation among the Proprietors or 'the Occupiers of Lands to maintain the Banks and cleanse and scour the Channels of existing Drains, 'Streams, or Rivulets lying in or forming the Boundaries of or leading to the Outfall from such Lands, 'much Injury is done thereto, and Improvement prevented, but sufficient Powers do not at present exist 'to remedy the Evil aforesaid;' be it therefore enacted, That in all Cases where, by reason of the Neglect of any such Proprietor or Occupier to maintain the Banks or cleanse and scour the Channels of existing Drains, Streams, or Rivulets lying in or bounding the Lands of such Proprietor or Occupier, Injury shall be caused, it shall be lawful for the Proprietor or Occupier of any Land injured thereby to require the Proprietor or Occupier so neglecting as aforesaid, by a Notice in Writing delivered to him or left at his usual Place of Abode, to join in the effectual maintaining such Banks, or in the cleansing and scouring

tual cleansing and maintaining thereof. Mode of Proceeding in case of Refusal.

scouring of the Channels of such Drains, Streams, or Rivulets; and in case he shall refuse effectually so to do it shall be lawful for the Proprietor or Occupier of the Land to which such Injury shall be caused, immediately after the Expiration of Fourteen Days from the Service of such Notice as aforesaid, to proceed with the maintaining and repairing of such Banks, or the cleansing and scouring of such Channels as aforesaid, and to sue for and recover from such neglecting Proprietor and Occupier the entire or such just Proportion of the Expences attendant thereon as he may be liable to, by Civil Bill before the Assistant Barrister of the County wherein such Drain, Stream, or Rivulet, or the Part thereof which shall be cleansed and scoured, shall be, and as may be fixed and determined by such Assistant Barrister, who shall have Power to fix and determine the same, and to award, in addition to the usual Costs, such further Costs to be paid by such Party and in such Manner as to him shall seem reasonable: Provided always, that in all such Cases when such Drain, Stream, or Rivulet shall not be a Boundary between the adjoining Lands of such Proprietors or Occupiers as aforesaid, it shall not be lawful for any such Proprietor or Occupier to proceed to maintain and repair the Banks, or cleanse and scour the Channel of such Drains, Stream, or Rivulet as last aforesaid, without a Warrant or Authority in Writing so to do from Two or more Justices assembled in Petty Sessions for the County or Counties wherein such Drain, Stream, or Rivulet, or the greater Part thereof, shall be situate, and which Warrant or Authority such Justices shall grant, if, upon Inquiry had before them, upon a Summons to be served upon the Proprietors or Occupiers of the Lands in which such Drain, Stream, or Rivulet shall be, and who shall have neglected to cleanse or scour the Channels, or maintain the Banks of same, it shall be proved that the Neglect so to do causes such Injury or prevents such Improvement.

If Cuts be made which shall injure Roads or Bridges, the Commissioners to make other Roadways and Bridges.

LIX. And be it enacted, That if, by any Cut, Drain, or other Works made under the Authority of this Act, any Road or Way shall be disturbed or interrupted, or any Land intersected in such Manner as to render the future Occupation thereof inconvenient or unprofitable, the said Commissioners shall, if the same shall appear to them necessary, cause other convenient Roads or Ways to be made, and any Bridges which may be required to be properly built for the Use of the Persons entitled to use such Road or Way, or for the Convenience of the Parties entitled to the Use and Occupation of any Land intersected in manner aforesaid, and to defray the Expence of making such Road or Way, and of erecting such Bridges, out of the Monies to be received by virtue of this Act: Provided always, that it shall be lawful for the said Commissioners, if they shall think fit, to contract and agree with the said Persons or Parties, or any of them, for the making of such Roads or Ways, or the building of such Bridges by the said Persons or Parties, or any of them, and to pay the Sum contracted and agreed to be paid out of the Monies to be received by virtue of this Act: Provided always, that in case the said Commissioners shall be able to agree with the Persons interested in such Roads, Ways, or Bridges, for Compensation in respect of the Damage occasioned in relation to the same, it shall be lawful for them so to do.

Where the existing Bridges, Culverts, or Archways are insufficient for the Discharge of Water under a public or County Road, same may be reconstructed by the Commissioners.

LX. And be it enacted, That if any existing Bridge, Culvert, or Archway for the Discharge of Water under any public or County Road shall, in the Opinion of the said Commissioners, be insufficient for the free Discharge of such Water, and shall, by reason of such Insufficiency, cause or tend to cause the flooding of or other Injury to any of the Land to be drained or improved by the proposed Works, or where, by means of any of such Works, any public or County Road shall be relieved from periodical flooding, it shall be lawful for the said Commissioners to have the same reconstructed in such Manner as to them shall appear sufficient, and to determine, by a Declaration in Writing under their Hands and Seals, the Proportions of the Expences of such Reconstruction or Relief from flooding, which shall be defrayed by the County or Counties respectively, or any Barony or Half Barony of such County or Counties, within which such Bridge, Culvert, Archway, or Road, or any Part thereof, may be situated; and a Duplicate of such Declaration, under the Hands and Seals of such Commissioners, shall, within One Month from the Date thereof, be transmitted to the Secretary of the Grand Jury of each such County; and such Declaration shall be published in Three successive Impressions of some Newspaper circulating in such County thereby made chargeable with any Part of such Expences, and shall be posted at the usual Places of posting Grand Jury Notices in the Barony or Half Barony in which such Bridge, Culvert, Archway, or Road, or any Part thereof, shall be situate, such Publication and posting to be made within One Fortnight after the Date of such Declaration; and it shall be lawful for any Person paying Grand Jury Cess for such County, Barony, or Half Barony to traverse such Declaration at the Assizes which shall be holden for such County next after the Expiration of Thirty Days after such Declaration shall be transmitted to such Secretary, in like Manner as any Person may be empowered to traverse any Presentment made under any Act or Acts in force relating to the presenting of public Money by Grand Juries in *Ireland*; and such Sum as shall be found upon such Traverse shall be inserted in such Declaration by the Court before which such Traverse shall be tried; and the Grand Jury of such County is hereby empowered and required at such Assizes (and without Application to Presentment Sessions) to present the Sum or Sums of Money mentioned in such Declaration (whether as originally made, or as altered upon such Traverse, as the Case shall be,) to be levied off the said County, Barony, or Half Barony; and in case such Grand Jury shall refuse to present the Sum so mentioned in such Declaration, or which shall be found by and upon such Traverse, the Court shall make an Order directing that the Treasurer of such County shall insert such Sum in his Warrant, and the same shall be levied off such County in the same Manner as if the same had been duly presented by such Grand Jury; and thenceforth such Bridges, Culverts, Archways, and Roads shall be repaired and maintained by such County or Counties as were theretofore liable to repair and maintain the same.

LXI. And

In Dams, Weirs, &c. Means to be provided for the Migration of Fish.

LXI. And be it enacted, That in the Construction, Alteration, or remodelling of any Dams, Weirs, or other Works in the Bed of any River to be improved under this Act, it shall and may be lawful for the said Commissioners, whenever they shall deem the same necessary, so to construct, alter, or re-model the same as to provide sufficient Means in some Part of the River for the free and uninterrupted Passage of Salmon, Trout, Eels, and other Fish, both up and down such River.

Works not to injure ornamental Water, or Water for Supply of Towns;

LXII. And be it enacted, That nothing herein contained shall authorize or enable the said Commissioners to interfere with ornamental Water in any private Demesne or Park, without the previous Consent in Writing of the Owner or Occupier thereof, or of his Guardian or Committee in case of Infancy or Lunacy, nor to curtail or cut off the Supply of Water to any Town without previously making adequate Provision in lieu thereof.

nor to encroach upon Parks, &c.

LXIII. And be it enacted, That nothing herein contained shall authorize or enable the said Commissioners to encroach, by their Works or otherwise, upon any Park, Garden, or Demesne, without the Consent in Writing of the Owner thereof.

When Lands cut through shall be less than a certain Quantity or Width Commissioners to purchase the whole.

LXIV. And be it enacted, That if in the Execution of any of the Works authorized by this Act any Field, Close, or Parcel of Land shall be cut through, or divided from the Remainder of any Estate, Farm, or Property, so that there shall be left on each or either Side of the said Works or any of them less than One Statute Acre in Quantity, or less than Fifteen Yards in Breadth, then and in every such Case the said Commissioners shall (if thereunto required by the Proprietor of such Field, Close, or other Land so cut through or divided,) take and purchase such Piece or Parcel or Pieces or Parcels so to be left as aforesaid of such Field, Close, or Land, and shall pay for the same in the same Manner as for the Land actually required for the Purposes of this Act.

Commissioners may purchase Land for Purposes of the Act.

LXV. And be it enacted, That it shall be lawful for the said Commissioners to purchase any Lands which they shall think it necessary or proper to purchase for accomplishing any of the Purposes of this Act, making such reasonable Satisfaction and Recompence to the Person entitled to or interested in such Land as shall be settled and ascertained in manner herein-after mentioned.

Notices to be given to Proprietors of Land required for or likely to be affected by the proposed Works, requiring them to furnish to Commissioners their Claism.

LXVI. And be it enacted, That the said Commissioners shall cause Notices in Writing to be delivered to or left at the usual Places of Abode of the Proprietors or Occupiers, or reputed Proprietors or Occupiers, and all Persons interested, where the same may be known to the Commissioners of and in all such Land as may be required to be taken for or be liable to be injuriously affected by the Works proposed to be made under this Act, requiring such Proprietors, Occupiers, or other Persons to prefer their respective Claims before such Commissioners for the Value of such Land, or the Compensation to be allowed for any Damage or Injury thereto, and specifying therein a Time and Place at which such Commissioners shall hold a Meeting for inquiring into all such Claims, and shall also Thirty Days at least before making the Inquiry, Examination, Assessment, and Award herein-after next mentioned, cause a Copy of such Notice to be published in Three successive Publications of some Newspaper circulating in the County or Counties in which such Land as aforesaid shall be situated, and to be printed and posted at each Place for posting Grand Jury Notices in each Barony in which any Part of same shall be situate.

Corporations, Trustees, and other Persons empowered to sell and convey, &c.

LXVII. And be it enacted, That it shall be lawful for every Corporation, and for every Trustee and Feoffee in Trust for charitable or other Purposes, and for every Executor and Administrator, not only for and on behalf of himself, his Heirs, Executors, and Administrators respectively, but also for and on behalf of his Cestuique Trust, whether Infant, Feme Covert, Idiot, Lunatic, or Person not born, or not ascertained, or any other Person whomsoever, and to and for any Tenant for Life, or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest in any Land required to be purchased for any of the Purposes of this Act, or injuriously affected by any such Works as aforesaid, not only for and on behalf of himself, his Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons (if more than One), whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every Guardian on behalf of his respective Ward, Husband on behalf of his respective Wife, Committee on behalf of the Person of whose Estate he shall be Committee, and the Heirs, Executors, Administrators, and Issue of such Ward, Wife, or Person respectively, and to and for any Feme Covert entitled in her own Right to any such Land, or to Dower or other Interest therein, on behalf, not only of herself, but also of her respective Heirs, Executors, Administrators, and Issue, and also where such Ward, Wife, Person, or Feme Covert respectively shall be Tenant for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardian, Husband, Committee, and Feme Covert, on behalf of the Person or Persons on behalf of whom such Ward, Wife, Person, or Feme Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any such Land, to contract or agree for the absolute Sale or Exchange thereof, and of every or any Part thereof, to the said Commissioners, or to contract for the Amount of Compensation which shall be paid for any Injury thereto, or for the Payment of such Sum of Money for Equality of Exchange, as shall be determined by the said Commissioners, and also to execute any Conveyance or enter into any Contract with respect to the Premises which the said Commissioners shall deem necessary for the due Execution of this Act; and all such Contracts, Agreements, Sales,

Sales, Conveyances, and Assurances shall be valid and effectual, and all Monies payable by the said Commissioners in respect thereof shall be paid by the said Commissioners out of the Monies to be raised by virtue of this Act, as herein-after mentioned.

Form of Conveyance.

LXVIII. And be it enacted, That all Conveyances which shall be executed to the said Commissioners of any Land which shall be required by them for any of the Purposes of this Act shall be in the following Form, or as near thereto as the Number of Parties and the Nature of the Case will admit; namely,

'I of in in consideration of the Sum of
'paid to [*or* paid into the Bank of *Ireland, as the Case may be,*] by the Commis-
'sioners appointed under an Act passed in the Year of the Reign of Her Majesty Queen
'*Victoria*, intituled [*here set forth the Title of this Act*], do hereby grant and release to the said Com-
'missioners all [*describing the Premises*], together with all Ways, Rights, and Appurtenances thereunto
'belonging, and all Estates, Rights, and Interests in the same and every Part thereof, to hold to the said
'Commissioners and their Successors for ever, according to the true Intent and Meaning of said Act. In
'witness whereof I have hereunto set my Hand and Seal on this Day of
'in the Year of our Lord One thousand eight hundred and '

Satisfaction to be made, and may be accepted.

LXIX. And be it enacted, That every Corporation, and every Trustee and other Person herein-before capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner of any such Land, or of any Share, Estate, or Interest therein, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Corporation, Trustee, Person, or Owner, and also any Tenant for a Year, or from Year to Year, or at Will, or other Occupier of any Land, entitled to such Compensation for such Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Land or sustaining such Injury or Damage cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to assess the Value.

LXX. And be it enacted, That if any such Corporation, Trustee, or other Person interested in or herein-before authorized to contract for, sell, and convey any such Land as aforesaid shall neglect or refuse to treat, or shall not agree with the said Commissioners, or, by reason of Absence or Disability, cannot agree, or cannot be found or known, or shall not prove a clear Title to the Land or the Estate or Interest which he shall claim therein, to the Satisfaction of the said Commissioners, or in case any such Corporation or Trustee or other Person sustaining any such Injury or Damage as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of such Corporation or to such Trustee or Person respectively, or left at his respective Place of Abode, or at the House of the Tenant or Occupier of such Land intended to be purchased, taken, or used for any of the Purposes of this Act as aforesaid, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in such Notice as last aforesaid, to inquire and examine, and assess and award the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damage that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum so awarded shall be paid to the several Persons interested in such Land, or in any Charge, Lien, or Incumbrance thereon, and what Abatements (if any) shall be made in the Rents payable out of the Land named or described in such Award, or any Land held in conjunction therewith; and the said Commissioners shall award such Purchase Money or Recompence so to be assessed; and the said Commissioners shall and may in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Land, naming or describing the same, in respect of which such Sum has been so awarded, and also what Abatements (if any) shall be made in the Rents payable out of the Land named and described in such Award, or any Land held under the same Lease or Instrument in conjunction therewith; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty and all other Persons interested, except in the Case and subject to the Provisions herein-after contained.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to the Assistant Barrister at Quarter Sessions.

LXXI. Provided always, and be it enacted, That if any Person interested or claiming to be interested in any Land which may be made the Subject of any such Award as aforesaid shall be dissatisfied therewith, either as respects the Amount of the Value, or the Compensation awarded in respect thereof, or of any Abatement to be made in any Rent, or as respects the Persons to whom or the Proportions in which such Value or Compensation is to be paid or Abatement made, it shall be lawful for such dissatisfied Person to appeal to the Quarter Sessions which shall be held next after any such Award shall have been made and settled as aforesaid for the Division of the County wherein such Land shall be wholly or in part situate, (provided same shall not be held sooner than Thirty-one Days after the making of such Award,)

Award,) the Party appealing, if there be sufficient Time after such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof, and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Sessions, then such Appeal may be made at the Second Quarter Sessions which shall be holden for such Division of such County after such Award; and the Assistant Barrister at such First or Second Quarter Sessions, or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, either by or without the Verdict of a Jury, as the Party appealing shall require, and may order such Sum to be paid for the Costs thereof to be paid wholly or in part by either of the Parties thereto, and may, by Warrant under his Hand, direct such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties who shall refuse or neglect to pay the same: Provided always, that if no Notice of Appeal shall be served on the said Commissioners within Fourteen Days next after their Award shall be made, the same shall be final, binding, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Jurors to be summoned.

LXXII. And be it enacted, That if, in any Notice of Appeal to be served on said Commissioners as aforesaid the Party appealing shall require a Jury to be summoned for determining the Matter of such Appeal, then and in every such Case the said Commissioners shall issue their Warrant under their Hands and Seals to the Sheriff of the County where such Appeal is to be heard, commanding such Sheriff to impannel, summon, and return a Jury, and such Party shall also serve a Copy of such Notice of Appeal on such Sheriff; and the said Sheriff to whom the said Warrant shall be directed or such Notice given is hereby required accordingly to impannel, summon, and return a Jury of Twenty-four Men, qualified according to Law to be returned for Trials of Issues joined in Her Majesty's Courts in *Dublin*, to appear before the said Assistant Barrister at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Fourteen Days after such Warrant shall be served upon the said Sheriff, upon Pain to forfeit for every Default in not making such Return Five Pounds, to be sued for and recovered in the Manner herein-after directed, and also to return in Issues upon every Person so impannelled and returned, who, contrary to the true Intent and Meaning of this Act, shall not appear, the Sum of Forty Shillings, which shall be levied by Distress and Sale of the Goods and Chattels of the Person not appearing as aforesaid, by Warrant under the Hand and Seal of the said Assistant Barrister; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Assistant Barrister is hereby empowered, by Warrant under his Hand and Seal, from Time to Time, as Occasion shall require, to summon and call before him all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the Assistant Barrister may order and authorize the said Jury, or any Six or more of them, to view the Place or Matter in question, which Jury (upon their Oaths, to be administered by the said Assistant Barrister, which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Assistant Barrister is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damages that may or shall be sustained as aforesaid, and what Abatements (if any) are to be made to any Tenant or Occupier of such Land, and to settle and ascertain in what Proportions the Sum so assessed shall be paid to the several Persons interested in the Premises.

Jurors may be challenged.

Judgments of Assistant Barristers to be binding on all Parties.

LXXIII. And be it enacted, That in all such Cases of Appeal as last aforesaid the said Assistant Barrister shall give Judgment for such Purchase Monies or Recompence, whether same shall have been assessed and ascertained by such Juries, or finally determined by such Assistant Barrister; and the Verdicts of such Juries, and the Judgments thereon, and the Judgments of said Assistant Barrister where no such Verdicts shall be given, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties, Corporations, and Persons whomsoever.

Juryman refusing to be sworn or give Verdict to forfeit a Sum not exceeding 40*s*.

LXXIV. And be it enacted, That if any Person summoned as a Juryman as aforesaid shall, after his Appearance, refuse to be sworn, or, being so sworn, refuse to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, to be allowed by the said Assistant Barrister, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings, to be levied on the Goods and Chattels of the Person so offending, by Warrant under the Hand and Seal of the said Assistant Barrister, by Distress and Sale of the Offender's Goods, rendering the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, are deducted.

Awards, Verdicts, and Judgments to be recorded.

LXXV. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments and Verdicts so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards, Judgments, or Verdicts shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively, to all Intents and Purposes; and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

Application of Compensation Money when amounting to or exceeding 200*l.*

LXXVI. And be it enacted, That if any Money shall be adjudged or awarded to be paid for any Land purchased, taken, or used by virtue of the Powers of this Act, or as Compensation for any Damage or Injury to any Land which shall belong to any Corporation, or to any Trustee or Feoffee, Executor or Administrator, or any Husband, Guardian, or Committee for or on behalf of any Feme Covert, Infant, Idiot, or Lunatic, or to a Tenant for Life, or any Person who shall have no Power to give a valid Receipt for the same, or to sell or convey the same Land, otherwise than by virtue of this Act, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery or Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, setting forth the Title hereof, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Land, be applied in or towards the Discharge of any such Debt or other Incumbrance affecting the same Land, or any other Land or Property standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Chancery or Exchequer shall authorize to be paid, or such Part thereof as shall be necessary; or the same Money shall, upon the like Application, in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Land, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land which shall be so purchased, taken, or used, or damaged or injured as aforesaid, stood settled or limited, or such of them as shall be then existing undetermined or capable of taking effect; and in the meantime and until such Order can be obtained the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland;* and in the meantime, and until the said Stocks, Funds, or Annuities shall be sold by Order of the said Court for the Purpose aforesaid, the Dividends or annual Produce thereof shall from Time to Time be paid to the Person who would for the Time being have been entitled to the Rents and Profits of such Land so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to or exceeding 20*l.*

LXXVII. Provided always, and be it enacted, That if any Money so adjudged or awarded to be paid for any Land purchased, taken, or used for the Purposes aforesaid, or damaged or injured as aforesaid, belonging to any Corporation or to any Person as last aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Land so purchased, taken, or used, or damaged or injured, or of his Guardian or Committee, in case of Infancy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person who for the Time being would be entitled to the Rents and Profits of the Land so to be purchased, taken, or used, or damaged or injured as aforesaid, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland*, without being required to obtain any Order of the Court of Chancery or Exchequer touching the Application thereof.

When less than 20*l.*

LXXVIII. Provided also, and be it enacted, That if any Money so adjudged or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Land so purchased, taken, or used, or damaged or injured, for the Purposes of this Act, for his own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Person acting as Guardian, Committee, or Trustee of such Person, to and for the Use and Benefit of the Person entitled thereto.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

LXXIX. And be it enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Land to be taken, purchased, or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *Ireland*, to be applied in the Purchase of other Land, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Premises to vest in the Commissioners, upon Payment into Bank of the Money agreed upon or assessed, when Con-

LXXX. And be it enacted, That if any Corporation or Person seised or possessed of or having any Estate or Interest in any such Land as aforesaid cannot be found, or shall not be known, or shall not prove a good Title to such Land to the Satisfaction of the said Commissioners or any Person authorized by them, or shall refuse to execute a Conveyance thereof, then and in every such Case it shall be lawful for the said Commissioners to pay such Sum of Money as shall have been contracted and agreed or shall have been adjudged in manner aforesaid to be paid for the Purchase or for the Value of such Land, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery

Chancery or Exchequer, to be placed to his Account to the Credit of the Party interested in the said Land (describing such Land), or if such Party shall not be known, then to the Credit of the then unknown Person interested in the said Land (describing the same), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Corporation or Person making claim to such Sum of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem fit, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate, Title, or Interest of the Corporation or Person making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *Ireland* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum of Money, and upon Payment of such Sum of Money into the Bank as lastly herein-before is mentioned, the Land for the Purchase or for the Value of which the same shall have been agreed and awarded to be paid, and the Fee Simple and Inheritance thereof, or other the absolute Interest therein, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Corporation or Person, or unknown Person, to whose Credit such Money shall be paid, in, to, and out of the Land, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Corporation or Person having any Estate in such Land had actually conveyed the same; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Corporation or Person, or unknown Person, of, in, or to the same Land, to whose Credit such Payment shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates, in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue of such Person, and every other Person whomsoever.

veyances cannot be obtained.

LXXXI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money which shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery or Exchequer, in pursuance of this Act, for the Purchase of any Land to be taken or purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the Person who shall have been in possession of such Land at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Land, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land, or to some Estate therein.

In case of questionable Title of Persons in possession.

LXXXII. And be it enacted, That if any Person shall have any Mortgage or be entitled to any Sum of Money charged on any Land taken or purchased under this Act, then, on Payment of the Principal and Interest due thereon, or in case a Part only of any Land subject to such Charge or Mortgage be so taken or purchased, then a proportionate Share of such Principal and Interest, (to be ascertained, in case of Dispute, in the Manner herein-before provided for ascertaining the Value of Land taken or purchased for the Purposes of this Act,) to such Mortgagee or Person entitled thereto, or into the Bank of *Ireland*, for the Use of the Mortgagee or other Person entitled thereto, all the Estate of the said Mortgagee or other Person, and of every Person in Trust for him, in the Land or the Portion of Land so taken or purchased, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof, free from the same Mortgage or Charge, to all Intents and Purposes whatsoever: Provided always, that if the Money and Interest due in respect of any Mortgage or Charge on any Land purchased or taken under this Act shall amount to more than the Value of the Premises charged therewith, or such of them or of such Part thereof as shall be purchased or taken under this Act, then, upon Payment to such Mortgagee or Person, or into the Bank, in manner herein-before mentioned, of the Sum to be ascertained as the Value of the Estate or Interest so mortgaged or charged on the Land, or Part thereof, so to be taken and purchased as aforesaid, all the Estate of the said Mortgagee or Person as aforesaid, and of every Person in Trust for him, in the said Land, or any Part thereof, the Value whereof shall have been so ascertained and paid as aforesaid, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession of the said Lands, to all Intents and Purposes whatsoever, freed from such Mortgage or Charge as aforesaid; and the Mortgagor or other Person entitled to redeem shall be and is hereby barred and foreclosed from all Right and Equity of Redemption of and in the same Land, or Portion of Land.

Estate of Mortgagees to vest in Commissioners on Payment of Principal and Interest;

or if such Principal and Interest exceed the Value of the Property, then on Payment of the Value.

LXXXIII. And be it enacted, That when any Rent, or any such Charge, Incumbrance, or Lien as aforesaid, shall also be payable out of, or extend over and be a Charge, Incumbrance, or Lien on any Lands, other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such Case neither this Act, nor any Conveyance so made as aforesaid, shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Rent, Incumbrance, or Lien, so far as relates to such other Lands, Tenements, or Hereditaments, but that as to all such the same shall respectively continue, be good, valid, and subsisting, subject nevertheless to such Reduction of Rent (if any) as may be made in respect of such Lands under the Provisions herein contained.

Lien shall remain on Premises not conveyed in Proportions.

LXXXIV. And

Power to enter and take possession of Land, &c. on Payment or Tender of Purchase Money.

LXXXIV. And be it enacted, That upon Payment into the Bank of *Ireland* as herein directed, or upon Payment or legal Tender of any such Sum of Money as shall have been contracted for between the Parties, or adjudged in manner aforesaid, for the Purchase of any Land, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor of such Land, or to such Person as shall be entitled thereto under any of the Provisions herein contained, it shall be lawful for the said Commissioners, or their Agents, Workmen, or Servants, immediately to enter upon and use such Land.

Commissioners may forego the taking of any Land on serving a Notice, within Six Months from the Time of Contract or Adjudication, that the same will not be required.

LXXXV. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Six Months after any Adjudication or Contract shall be made, given, or entered into under the Provisions of this Act, not to take or injure the Whole or any Part of any Land or other Matters or Things named or described in such Adjudication or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place of Abode of the Person or Persons who are or appear by the said Adjudication or Contract to be interested in such Land or other Matters or Things, stating that the same, and what Part thereof, will not be taken for or injured by any thing to be done under this Act; and the Adjudication or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required to be taken or injured as aforesaid, (at the Option of the said Commissioners,) shall be utterly void and of none Effect, to all Intents and Purposes whatsoever; and in case a Part only of any Adjudication or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in any such Adjudication or Contract which should be deducted on account of the Part not required to be taken or injured, and, if necessary, apportion the Residue among the Persons entitled thereto; and the said Commissioners shall amend such Adjudication or Contract accordingly; and such amended Adjudication or Contract shall have all the Force and Effect, and shall be subject to the like Appeal, as any other Adjudication or Contract under this Act: Provided always, that in all Cases where the Commissioners shall serve Notice that it is not intended to take or injure the Whole nor any Part of such Land, the Person or Persons interested in such Land, and incurring any Loss or Expence in consequence of the Commissioners having previously required the same, shall be entitled to Compensation for such Loss and Expences, and in case the Amount thereof cannot be agreed upon the same shall be ascertained and taxed by the Assistant Barrister of the County in which such Land shall be situate.

Proviso.

If the Commissioners make any new Site for a Mill, &c. the same shall vest in them for the Purposes of this Act.

LXXXVI. And be it enacted, That whenever, in executing any of the proposed Works, the said Commissioners shall be enabled to make any new Site for a Mill or Factory, such new Site may be made by the said Commissioners, if they shall think fit, and the same, with the Water Power thereof, shall be absolutely vested in the said Commissioners and their Successors for ever, in Trust for the Purposes of this Act, and in order that the same may be sold: Provided always, that the making of such new Site for any Mill or Factory shall not prejudice or injure the Supply of Water to or Discharge of Water from any existing Mill or Factory.

Commissioners to sell Lands and Mills, making first Offers to the Proprietors of the Estate.

LXXXVII. And be it enacted, That the said Commissioners shall from Time to Time sell and dispose of all or any Part of the Lands, Tenements, or Hereditaments, Mills, Buildings, or Erections, Weirs, Mill Dams, Watercourses, and Mill Sites, which shall become vested in them under any of the Provisions aforesaid, and which shall not be required to be retained for any of the Purposes of this Act; and the Produce of such Sale or other Disposition shall be applied in Payment of the Expences or Debts contracted on account of the Expences of the Works executed in the District in which such Lands so sold or disposed of shall be situate: Provided always, that the said Commissioners, before they shall sell or dispose of any of the Premises aforesaid, shall first offer the same to the Person to whose Estate the same originally belonged, and then to the Person whose Estate shall adjoin thereto, and such Premises shall not be sold to any other Person at such Price as the Persons so entitled to a Preference shall be willing to give for them, or at any lower Price; and if each such Person shall refuse to purchase the same, an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, and filed in said Court, that such Offer was made by or on behalf of said Commissioners, and that such Offer was refused by the Person to whom the same was made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and refused.

Application of Monies received by the Commissioners.

LXXXVIII. And be it enacted, That all Sums received by the said Commissioners under the Provisions of this Act (except for or in respect of the Tolls or Rates for Navigation) shall be paid into the Bank of *Ireland* to the Credit of the said Commissioners, and shall be applied towards the Expences of the several Works for Drainage, Navigation, or Water Power to be executed under this Act, or towards the Repayment of any Loan or Loans which shall have been or may be made to the said Commissioners for the Execution of the said Works under the Power in that Behalf herein-after contained, and of all other Expences payable by the said Commissioners under the Provisions of this Act.

Powers to Commissioners to take Tolls.

LXXXIX. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to demand, receive, levy, and take, for or in respect of any River which shall be rendered navigable, or the Navigation whereof shall be improved under or by virtue of the Provisions of this Act, and also for Wharfage or Quayage, at any Pier, Harbour, Landing Place, Quay, or Wharf to be built, erected, or made by the said Commissioners, or vested in them under the Provisions of this Act, such Rates or Tolls as the said Commissioners, with the Approbation of the said Commissioners of Her Majesty's Treasury, shall think fit; and it shall be lawful for the said Commissioners to fix the Time or Times respectively from and after which such Rates or Tolls shall be payable.

XC. Pro-

Limitation of Tolls.

XC. Provided always, and be it enacted, That any Boat or Vessel charged with a Tonnage Rate shall not in any Event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Two Shillings and Sixpence *per* Ton; and that any Boat or Vessel charged with a Rate *per* Boat or Boat Load shall not in any Event be liable to pay, in respect of any One Voyage, a greater Amount of Toll, exclusive of Quayage or Wharfage, than Eight Shillings *per* Boat or Boat Load: Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed, by the said Commissioners under this Act, upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Tolls may be raised or lowered.

XCI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards, from Time to Time, with the like Approbation, to raise the same, or any of them, to any Amount not exceeding the Amount herein-before specified: Provided also, that if such Rates or Tolls shall have been let or demised by the said Commissioners no Alteration shall be made therein during the Continuance of such Lease or Demise, unless with the Consent in Writing of the Tenant or Lessee.

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods.

XCII. And be it enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable by this Act, and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandize, or other Things, chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandize, or other Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandize, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandize, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandize, so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandize, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandize, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

Lock-keepers to attend Locks.

Penalty.

XCIII. And be it enacted, That any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any Navigation to be improved or made under the Provisions of this Act shall constantly attend to the same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Bye Laws, Rules, and Regulations which shall be made by the said Commissioners being complied with; and each such Lock or Bridge Keeper wilfully neglecting the Duties of his Office in any of the Matters aforesaid shall be liable to a Penalty of not more than Five Pounds for each Offence.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XCIV. And be it enacted, That the said Commissioners shall cause an Account or List, printed or painted in large legible Characters, of the several Rates and Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place, and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any such Rates or Tolls shall be collected or received.

Enforcing the Payment of Rates and Tolls.

XCV. And be it enacted, That it shall and may be lawful for the said Commissioners to appoint sufficient Collectors and Agents for the Purpose of receiving the Tolls and Rates payable under this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record, or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, or any other Goods, Articles, or

Things

Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Leasing the Rates and Tolls.

XCVI. And be it enacted, That it shall be lawful for the said Commissioners (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls or Rates payable under the Provisions of this Act, for Terms not exceeding Three Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease, as the said Commissioners, with the Consent and Approval of the said Commissioners of Her Majesty's Treasury, shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Commissioners and the Person appointed by them to collect such Tolls and Rates.

Power of Re-entry in case of Nonperformance of the Conditions of the Lease.

XCVII. And be it enacted, That in case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Demise of such Rates or Tolls, or in case any Collector of the said Rates or Tolls appointed by the said Commissioners as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing, signed by the said Commissioners, shall be given to him, or affixed to such Toll House, Office, or Building, or in case any such Lease or Demise shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Commissioners, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Commissioners, their Agent, or their new Lessee or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease and Demise or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Contracts and Agreements unperformed by the said Lessees); and it shall be lawful for the said Commissioners in every such Case, either during such Proceedings, or on the Termination thereof, again to demise or let the said Tolls or Rates, in such and the same Manner as if no former Demise or Agreement had been made with respect thereto.

How the Income derived from Navigation shall be applied.

XCVIII. And be it enacted, That the Income which the said Commissioners shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act by reason of the Improvement to be effected in any such River as aforesaid shall be applied, in the first instance, in Payment of the Expences attending or incident to the Maintenance and Repairs of the Works which shall be constructed solely for the Improvement of the Navigation of such River, and the Expences of collecting such Tolls and Rates as aforesaid, and all other Expences attending the Conservancy and due Preservation of such River; and the Surplus, after defraying such Expences, shall be applied in manner herein-after mentioned.

Commissioners may borrow Money for the Purposes of this Act.

XCIX. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, as Occasion shall require, to borrow and take up at Interest, of and from any Person who shall be willing to advance and lend the same, any Sum or Sums of Money required for defraying the Costs, Charges, and Expences incurred or to be incurred by them in the Execution of any Works for the Drainage or Improvement of any Land, or the Navigation of any River, or the Formation of any Reservoir, under or by virtue of this Act; and the Repayment of such Sum or Sums of Money, with Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*, shall be secured to the Party lending the same upon the Monies accruing to the said Commissioners under or by virtue of the Award to be made by the said Commissioners, as herein-after mentioned.

Commissioners to grant Certificates to Lenders for Principal and Interest.

C. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to grant a Security by Deed, in the Form of a Certificate under the Hands and Seals of the said Commissioners, to every Person who shall so advance any Sum of Money as aforesaid, setting forth the Sum for which the several Certificates collectively are to be issued, the Amount of the Sum for which each such Certificate is issued, the Date of such Advance, and the Rate of Interest payable for the same, and the Periods at which the said Principal Money shall be paid off, in One Payment, or by Instalments, and a general Description of the Land or River for the Drainage or Improvement of which or of the Reservoir for the Construction of which such Sum shall have been borrowed, and that every such Certificate shall

shall be duly stamped as a Mortgage, and made in the following Words, or as near thereto as the Circumstances of the Case will admit:

Form of Certificate.

'BY virtue of an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria* [*here insert the Title of this Act*], we, the undersigned, being the Commissioners for the Execution of an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria* [*here set forth the Title of this Act*], in consideration of the Sum of Pounds of lawful Money of *Great Britain* to us lent and paid by do hereby certify that the Monies to become payable to us, under our Award, for the Drainage, Improvement, or Construction of [*here describe the Land, River, or Reservoir*], are hereby charged with the Repayment of the said Sum of Pounds, being the whole [*or* Part, *as the Case may be,*] of the Sum of Pounds required to be borrowed for the Purpose aforesaid [*here insert the Period when the Money is payable, in One Payment, or by Instalments, as the Case may be*], together with Interest thereon [*or, if the Money be payable by Instalments*, with Interest on such Part of the said Principal Money as shall remain unpaid from Time to Time], at and after the Rate of Pounds *per Centum per Annum*, until the whole thereof shall be repaid, which Sum so lent and advanced by the said was taken up and borrowed by us for the Purposes of the said Act. In witness whereof we have hereunto set our Hands and Seals the Day of .'

And the Monies mentioned in each such Certificate, with the Interest thereon, shall be repayable and paid by the said Commissioners out of the Monies which shall come to their Hands under their Award as aforesaid, and all Persons to whom such Certificates shall be given shall be equally entitled (one with the other) to the Monies accruing by and under the same Charges, according and in proportion to the Sums by them respectively lent and advanced as aforesaid, without any Preference by reason of the Priority of the Date of such Certificate, or upon any other Account whatsoever: Provided always, that nothing herein contained shall be deemed, construed, and taken to extend to make the said Commissioners or any of them who shall sign or execute any such Certificate, personally, or their respective Lands or Tenements, Goods and Chattels, liable to the Repayment of any of the Monies to be borrowed or secured in pursuance of this Act.

Loans may be transferred.

CI. And be it enacted, That every Person who shall be entitled to the Money secured by any such Certificate may transfer his Right and Interest to the said Principal Sum and Interest Money thereby secured to any Person by Writing, duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the following Words, or Words to the like Effect:

Form of Transfer.

'I [*or* We] *A.B.* of in consideration of the Sum of to me this Day paid by *C.D.* of do hereby transfer a certain Certificate of Charge made by the Commissioners for the Execution of an Act passed in the Year of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], to bearing Date the Day of for securing the Sum of and Interest, and all my Right and Title to the Principal Money thereby secured, and now remaining due thereon, and to all the Interest Money now due or hereafter to become due, unto said *C.D.*, his, her, or their Executors, Administrators, Successors, or Assigns [*as the Case may be*]. Given under my Hand and Seal this Day of .'

Which Transfer shall be produced and certified to the Secretary for the Time being of the said Commissioners before the Party holding the same Transfer shall be entitled to receive any Principal or Interest due or owing as aforesaid; and every such Secretary shall make an Entry amongst the Records of the said Commissioners of the Particulars of every such Transfer, and sign the same.

Power to borrow Money at a lower Rate of Interest.

CII. Provided always, and be it enacted, That in case the said Commissioners can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than the Certificates which for the Time being shall be in force shall bear, it shall be lawful for the said Commissioners to borrow and take up, and they shall (if so required by the Parties interested) borrow and take up from Time to Time, in manner aforesaid, upon like Certificates, at such reduced Rate of Interest, any Sum which may be required to pay off the Monies secured by the existing Certificates; and the Repayment of such new Loan shall be secured in like Manner upon the Monies accruing to the said Commissioners under their Award as aforesaid; and the said Commissioners shall pay off and discharge the Certificates or Securities bearing a higher Rate of Interest accordingly.

Money may be borrowed for the Purposes of this Act from Public Loan Commissioners or from Commissioners of Public Works.

CIII. And be it enacted, That it shall and may be lawful for the Commissioners for carrying into execution an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, or for the Commissioners appointed and acting under an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, or any Act or Acts for amending the same respectively; and the said Commissioners are hereby respectively empowered from Time to Time, out of any Funds at their Disposal, to lend and advance any Sum of Money which may be necessary for the Purposes of this Act upon the Credit of the Award to be made as herein-after mentioned, provided that no Advance of Money shall be made by either of the said Commissioners for any of the Purposes aforesaid, unless with the Consent of the Commissioners of Her Majesty's Treasury; and that all such Monies so lent and advanced by either of such Commissioners shall be repaid from and out of the Monies accruing to the Commissioners for the Execution of this Act under the said Award, by and from

the Charges aforesaid, within such Period, either by One Payment, or by half-yearly Instalments of such Amount, and with such Interest, as the said Commissioners of the Treasury shall direct.

Accounts to be kept.

CIV. And be it enacted, That the Commissioners for the Execution of this Act shall cause Books to be provided and kept, in which shall be entered true and regular Accounts of all Sums of Money received, paid, and expended about any Drainage or Improvement or other Work made under the Provisions of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed and paid, and shall keep the Accounts with reference to the Improvement of any River or Navigation separate and distinct from the Accounts with reference to Drainage; which Books shall, at all reasonable Times, on giving Three clear Days Notice of the Intention to apply for an Inspection thereof, be open to the Inspection of the Proprietors and Persons interested in the Drainage or Improvement to which such Books shall relate, without Fee or Reward; and such Persons may take Copies of or Extracts from the said Books, or any Part thereof, without paying for the same.

Commissioners to account yearly.

CV. And be it enacted, That once at least in every Year the said Commissioners shall prepare a true and just Account or Statement of all Sums of Money by them received and expended in the Execution of any Works for the Drainage or Improvement of any such Land or River as aforesaid; and such Account or Statement, when so made, together with the Vouchers relating thereto, shall be preserved by the said Commissioners at their Office in *Dublin*, and a Copy of such Account, signed by said Commissioners, shall be deposited with the Clerk of the Peace of every County in which any Part of such District shall be situate, and the same respectively shall be open to public Inspection at all reasonable Times on Payment of a Fee of Sixpence, and any Person interested in such Works shall be at liberty to take Copies thereof or Extracts therefrom at all reasonable Times, and the said Commissioners and Clerk of the Peace shall furnish Copies of or Extracts from any such Account or Statements to any Persons requiring same, upon Payment of the Costs of making such Copies or Extracts.

Commissioners to make an Award upon Completion of any of the Works.

CVI. And be it enacted, That as soon as conveniently may be after any Works for the Drainage or Improvement of any Land or the Navigation of any River under this Act, or any other Work by this Act authorized to be executed, shall have been completed, the said Commissioners shall draw up, or cause to be drawn up, an Award or Instrument in Writing, which shall describe the Land or River drained or improved as aforesaid, and the Work or Works which shall have been so completed; and such Award shall also specify the several Quantities belonging to the reputed Proprietors respectively of such Land so drained or improved as aforesaid, and the original Value and the Increase in the Value of the Land so drained or improved; and such Award shall also specify the Amount of the Sums which shall have been expended in and about the Works which shall have been so executed for Drainage, or Improvement by Drainage, and all Expences incident thereto (including the Interest of all borrowed Monies), and the Proportions of such Sums payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage towards Payment of the total Amount of the Costs, Charges, and Expences of such Drainage, or incidental thereto, and whether the same shall be repaid in One Sum or by Instalments, and if by Instalments then said Award shall also specify the several Instalments, and the Manner by and in which such Proportions shall be paid, regard being had to the Degree of Benefit conferred as aforesaid, and the Circumstances of each particular Case; and in the Case where any Water Power shall be improved by the making of Embankments or Reservoirs, or any Works so completed under the Provisions herein-before contained, or executed with the Consent of the Proprietors of Mills as aforesaid, the said Award shall also specify the Lands liable under the Provisions of this Act to the Payment of the Expences of the Execution of the Works of such Improvement, or incidental thereto, and the Amount of such Expences, and the Proportions thereof with which such Lands shall be respectively charged, and whether the same shall be repaid in One Sum or by Instalments as aforesaid; and in the Case of the Improvement of the Navigation of any River, the said Award shall specify the Amount of the Costs, Charges, and Expences to be borne in respect thereof by the District in which such River, or any Part thereof, is situate, or the Grand Jury of the County in which such District shall be situate, or by the Person who shall have guaranteed or secured the Payment of the Costs of such Improvement; and the said Award shall also specify whether such Amount shall be repaid in One Sum or by Instalments as aforesaid; and the said Award shall also specify the Baronies, Half Baronies, or Townlands in the District benefited by the Improvement of such River, and the Proportions in which such Baronies, Half Baronies, or Townlands are thereby benefited; and the said Commissioners shall also cause to be inserted in every such Award all such other Determinations, Matters, and Things as the said Commissioners shall think necessary and proper; and the said Commissioners shall also cause to be specified in every such Award the Proportion in which the Land so improved as aforesaid, and the Proprietors of such Lands in respect thereof respectively for the Time being, shall in future be annually charged towards the Costs and Expences which may from Time to Time be incurred in or about the maintaining, cleansing, and keeping in repair the several Watercourses, Sluices, Drains, Ditches, Cuts, Rivers, Lakes, Streams, Tunnels, Culverts, Banks, Bridges, Outlets, Weirs, Engines, Reservoirs, Embankments, Fences, and other Works to be executed under this Act, and shall specify, according to such Proportions as aforesaid, the Rate which shall be payable towards such Costs and Expences as last aforesaid for the Year next ensuing the Date of each Award.

Draft of Award to be printed and published, and a Copy deposited with

CVII. And be it enacted, That the said Commissioners shall, within One Calendar Month next after the making of their said Award, cause a Draft thereof to be printed and sold at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof, and shall within such Calendar Month cause such Draft, or a Copy thereof, to be deposited with the Clerk of the Peace for every County wherein

the

the Land or River, or any Part thereof, which shall have been drained or improved, may be situate; and such Clerk of the Peace is hereby authorized and required to receive the same, and all Persons shall have Liberty to inspect the same on the Payment of Sixpence; and when such Draft of the Award has been so deposited the said Commissioners shall cause Notice thereof to be posted in the usual Places for posting Grand Jury Notices in every Barony and County of a City and County of a Town in which such District or any Part thereof shall be situate, and shall also cause a like Notice to be inserted once in each Week for Three successive Weeks in some One or more Newspapers usually circulated in such District or the Vicinity thereof; and the Commissioners shall by such Notice require all Grand Juries or Committees thereof, and Persons who may desire to lodge Objections to the said Award, to lodge the same at such Place within such District, and before such Time as shall be specified in the said Notice; and the Commissioners shall also in the said Notice state that they will proceed to hear any Objections which may be lodged, and to settle the Award, at such Time and Place in or near such District as shall be specified in the said Notice, such Time not to be sooner than Two Calendar Months from the first Publication of such Notice.

Clerk of the Peace.

Notice thereof to be posted at the usual Places, and inserted in Newspapers, requiring Persons objecting thereto to send in their Objections.

CVIII. And be it enacted, That the said Commissioners shall attend at such Time and Place as they shall so appoint, and shall examine into the Matter of any Objection which shall be so lodged to the Award, and shall hear all such proper Evidence as may be offered to them in respect thereof, and shall make such Alterations (if any) in the said Award as they shall think fit, and may adjourn such Attendance from Time to Time, and shall settle and sign such Award.

Commissioners to hear and decide Objections (if any) to Award.

CIX. And be it enacted, That every Award, when finally settled by the said Commissioners, with a proper Map or Plan annexed thereto, describing the District and the Lands therein to which such Award shall relate, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland* within Three Months after same shall have been finally settled, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which such District shall be situate, who is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so finally settled and enrolled, shall be binding and conclusive on all Parties, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with; and the said Commissioners shall, within One Month after the said Award shall be finally settled, cause such Award to be printed and kept for Sale at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof.

Award, when finally settled, to be deposited in the Court of Chancery.

CX. And be it enacted, That the respective Sums of Money which, by the Award of the said Commissioners, shall be specified as the Proportions or Contributions payable, in respect of the several Parcels or Portions of the Land drained or improved by Drainage or by any Works under this Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money, at the Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, shall be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land; provided nevertheless, that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the said Award, shall have Priority to such Charges, to the Extent of the Value of such Land before the Improvements were effected, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, shall also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled, with the Land so drained or improved, to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioners shall by the said Award, or any Instrument under their Hands and Seals, and enrolled in the said Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject as to such other Land to the full Amount of all Incumbrances affecting the same prior to the Date of the said Award: Provided always, that if at any Time previous to the issuing of the final Notice by the said Commissioners herein-before directed to be given in the *Dublin Gazette*, and otherwise, any Proprietor of Land situate within the Limit aforesaid of the Land so drained or improved, and which Land would, under the Provisions herein-before contained, become chargeable with any Portion of the Expences of such Improvement, shall prefer to give other Security satisfactory to the Commissioners in lieu of the Land so liable together with the Land so drained, that then and in such Case the said Commissioners shall accept such Security, and thereupon the other Land of such Proprietor not so drained or improved shall stand freed and discharged from all Liability to any Portion of the Expence of such Improvement.

Apportioned Expences to be charged on Lands.

CXI. And be it enacted, That if any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of Three Calendar Months next after the Time appointed for Payment of the same by the said Award, then it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof, but subject nevertheless to such Quit or Chief Rent or other Incumbrance (if any) as aforesaid, and the Rents and Profits of such Land to receive and take until thereby or otherwise the Sum and Interest so due (together with all Costs and Expences attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Land,) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Application by Petition of the said Commissioners, to appoint a Receiver

In case of Non-payment of Money so charged, Commissioners may enter into Receipt of the Rents, and mortgage the Land.

of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expences of the Application to the said Court, and of such Quit or Chief Rent issuing out of such Lands and Premises (if any), and without Prejudice to such prior Incumbrances, or any Remedy for the Recovery of the same respectively, in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the said Commissioners, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expences attendant thereon, by Mortgage of such Land, or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the said Commissioners is hereby authorized.

As to Expences of Improvement of a River when payable by Grand Jury.

CXII. And be it enacted, That where the Amount of the Costs, Charges, and Expences payable under the said Award for the Improvement of any River under or by virtue of the Provisions of this Act shall be payable by the Grand Jury of the County in which such River, or any Part thereof, is situate, the Secretary of the said Commissioners shall certify to the Secretary of such Grand Jury the Amount of such Costs, Charges, and Expences, and the Instalments and Manner by and in which the same is payable under the Award of the said Commissioners; and such Grand Jury is hereby required to make Presentment of the Amount of such Costs, Charges, and Expences, or of the Instalments from Time to Time payable in respect thereof, as stated in such Certificate, together with Interest thereon respectively at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, to be raised off the Baronies, Half Baronies, or Townlands named in the said Award, and situate in such County, and in the District or Part thereof benefited by the Improvement of such River, according to the Proportions specified in the Award of the said Commissioners; and in default of such Presentment the Court at such Assizes shall order such Amount or Instalments, with Interest as aforesaid, to be raised off such County, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert such Amount or Instalments, with the Interest thereon, as same shall be from Time to Time payable, in his Warrant or Warrants, and same shall be applotted, raised, and levied as if the same had been duly presented; and when and so soon as such Amount or Instalments as aforesaid, with the Interest thereon, shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay over the same to the said Commissioners.

Where payable by an Individual.

CXIII. And be it enacted, That where any Person shall have guaranteed or secured in manner herein-before provided the Amount of the Cost, Charges, and Expences payable under the said Award for the Improvement of the Navigation of any such River as aforesaid, such Person shall pay to the said Commissioners the Amount of such Costs, Charges, and Expences, or of the Instalments from Time to Time payable in respect thereof, together with Interest thereon respectively at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, at the Time and in the Manner expressed and required by the said Award; and if default shall be made in Payment thereof respectively, or of any Part thereof, the said Commissioners shall enforce such Payment, by Action of Debt or on the Case, or by Bill in Equity, or otherwise, as such Commissioners shall think proper.

Application of surplus Income of Tolls.

CXIV. And be it enacted, That the said Commissioners shall apply the surplus Income which shall arise from or in respect of any Tolls or Rates to be imposed and levied as herein-before mentioned, upon or in respect of any River the Navigation of which shall have been improved under this Act, after defraying all such incidental and other Expences as herein-before specified, in or towards the Repayment of the Sum which shall have been paid by any Person respectively under any such Guarantee as aforesaid, together with Interest thereon at the Rate of Five Pounds *per Centum per Annum*; and after such Sum or Sums shall have been repaid, together with all Interest in respect thereof, then the Tolls and Rates shall, with the Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them, be reduced to such an Amount as will defray the Expences herein-before directed to be defrayed out of such Tolls and Rates: Provided always, that when the Amount of the Costs, Charges, and Expences payable under any Award for the Improvement of any River shall be payable by any Grand Jury, then and in such Case the said Tolls and Rates shall, so soon as they shall supply a Fund more than sufficient to defray the Expences herein-before directed to be first defrayed thereout, be reduced in like Manner.

Proprietors of less than Fee Simple may charge the Expences on the Lands.

CXV. And be it enacted, That any Person entitled to less than an immediate Estate of Fee Simple may, with the Consent of the said Commissioners, charge (according to the like Priority, and subject to the like Incumbrances as aforesaid,) the Land to which he shall be entitled, and which shall have been drained or improved by Drainage under the Provisions of this Act, with the Proportion of any Expences to be defrayed by him under the Award of such Commissioners, or any Part thereof, with lawful Interest thereon, but so nevertheless that the Charge upon such Lands or Premises shall be lessened in every successive Year (to be computed from the Date of such Award) by the Amount of at least One Twentieth Part of the whole Sum of the Instalments charged thereon by the Award of the Commissioners, and the Interest in respect thereof.

Power of leasing Lands improved.

CXVI. And be it enacted, That it shall be lawful for any Tenant in Tail or for Life, being a Proprietor, whose Estate as such may be liable to the Payment of any Expences chargeable under or by virtue of the Provisions of this Act, at any Time after a Copy of any such said Award shall have been deposited with the Clerk of the Peace as aforesaid, to lease the Land drained or improved by Drainage, and described in the said Award, which shall belong to him, for any Term not exceeding Thirty-one Years, provided

provided he shall reserve the best improved Rent which can be reasonably had for the same without any Fine or Foregift.

Commissioners to determine Amount of increased Rent to be paid for Land improved.

CXVII. And be it enacted, That in case any Land which shall be drained or improved by Drainage under this Act shall, at the Time of making the said Award, be in the Occupation of a Person who shall not be a Proprietor thereof within the Meaning of the Provisions in that Behalf herein-before contained, or in case any Land so drained or improved shall be held under any Person who shall within the Meaning of the aforesaid Provisions be a Proprietor thereof by any other Person or Persons, under any Lease, Agreement, or Contract for a Lease, or shall be held under any Lease, Agreement, or Contract for a Lease granted or made by any Person or Persons having any immediate or derivative Title from or under such Proprietor, then and in such Case the said Commissioners shall determine the Amount of increased Rent or Rents which such Occupant, and other Person or Persons having such immediate or derivative Title from or under such Proprietor as aforesaid, shall pay in consequence of any Improvement of such Land, regard being had to the Duration, Extent, and Value of the Interest of such Occupant or Person or Persons in such Land, and the necessary Expences to be incurred in the Cultivation thereof, and the peculiar Circumstances of each Case, and regard also being had to the Rates and Taxes which will be payable by the Proprietor under this Act for the ordinary Maintenance and Support of the Works which shall have been executed, but without taking into account any probable Expences which may be payable by the Proprietor for the Reconstruction or Reinstatement of such Works, or any Reparation of any extraordinary Nature; and the Landlord or respective Landlords of such Occupant or other Person or Persons, and every intermediate Landlord, shall have the same Remedies for the Recovery of such increased Rent or Rents as he or they was or were entitled to for the Rent or Rents originally reserved; and the Decision of the said Commissioners shall be signified by Endorsement on the Lease or Instrument or Leases or Instruments of Demise, under the Hands and Seals of the said Commissioners, or any Two of them.

Tenants paying Monies on account of Landlord to deduct them from Rent.

CXVIII. And be it enacted, That every Occupier of any Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay any Sum of Money for the Land in his Occupation, on account of his Landlord, any Sum charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on, each Sub-Lessee and Sub-Lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the same so charged upon such Land, under or by virtue of this Act, from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act, who shall not be entitled to make any such Deduction from the Rent, if any, payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor, paying any such Sum of Money, shall be acquitted and discharged of the Sum so paid by him, as fully and effectually as if the same had been actually paid to his Landlord (except where there shall or may be any Lease or Agreement to the contrary); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expences incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

Where Works to be under Commissioners Care.

CXIX. And be it enacted, That in every Case where the Navigation of any River shall be improved under this Act, and in every Case where any Reservoir shall be made, the said Commissioners shall have and retain the continued Care and Conservancy of the several Works which shall be executed under the Provisions of this Act.

Mode of appointing Trustees.

CXX. And be it enacted, That in every Case where no Navigation shall have been improved or formed in connexion with Drainage, or where no Reservoir shall have been constructed under the Provisions of this Act in any such District as aforesaid, the said Commissioners shall and they are hereby required to call a Meeting of the Proprietors of the Land included in such District, within Three Calendar Months at least after the Date and Execution of the said Award, by Notice to be inserted once in each Week for Three successive Weeks in some One or more Newspaper or Newspapers usually circulated in the Vicinity of such Land, and to be posted in the usual Places for posting Grand Jury Notices in every Barony, County of a City, or County of a Town in which any Part of such District shall be situate, in order to make Choice of Trustees for the further Execution of this Act; and such Trustees so to be chosen shall not be less than Three nor more than Nine, and they shall continue in Office for the Term of Three Years from the Time of their Election, and until new Trustees are appointed in manner hereinafter mentioned; and at the Expiration of every such Term of Three Years, and also at the Expiration of every succeeding Term of Three Years for ever thereafter, new Trustees shall from Time to Time be in like Manner chosen, by the Proprietors of the Lands included in such District, at a Meeting for that Purpose to be holden; and the said Trustees that shall afterwards be elected shall be chosen by the Proprietors of the greater Portion of such Lands in Value (such Value to be calculated according to the Proportions of the annual Rate or Tax with which they shall be respectively chargeable by virtue of this Act), or by the Assent of such Proprietors, certified in Writing under their Hands in Books to be kept for that Purpose; and such Trustees, or the Majority of them for the Time being, are hereby fully authorized to make, alter, support, and maintain, or cause to be made, supported, altered, and maintained, all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, Engines, Buildings, and other Works, in and about the Land so drained as aforesaid, as they shall think necessary for draining and preserving the same;

same; and all the Powers and Provisions of this Act, relating to the Commissioners, which apply to or can be exercised by the said Trustees, shall be and the same are hereby extended to the said Trustees, as if the said Trustees as well as the said Commissioners had been expressly mentioned in such Powers and Provisions respectively; and in case any Trustee shall die, or refuse or become incapable to act in the Execution of this Act before the Expiration of the Term of Three Years for or during which he shall have been chosen to act, a Person shall be chosen to be a Trustee in his Room during the Remainder of the Term of Three Years, at a Meeting to be called for that Purpose, in like Manner as the said Trustees are herein-before directed to be elected at the Expiration of every such Term of Three Years; and that every such Trustee being so chosen shall, during the Remainder of the existing Term of Three Years, have the like Powers and Authorities whatsoever to all Intents and Purposes as the Trustee in the Room or Stead of whom he shall be chosen would have had by virtue of this Act if in being and continuing to act in the Execution of the Trusts and Purposes herein-before mentioned: Provided always, that after the Expiration of every Term of Three Years, and after the Death, Refusal, or Incapacity of any Trustee, and until new Trustees or new Trustee shall from Time to Time be elected in manner herein-before directed, the lastly-elected or the surviving or continuing Trustees for the Time being shall have the like Powers and Authorities, to all Intents and Purposes, and shall continue to act in the Execution of the Trusts and Purposes herein-before mentioned, as if the Period of their original Election had not expired, or as if a new Trustee had been appointed.

Commissioners or Trustees to hold annual Meetings, and fix the Amount to be raised for Maintenance and Repairs for the ensuing Year.

CXXI. And for the Purpose of effectually sustaining and upholding, in all Cases in which Works shall be executed under this Act, all and singular the Drains, Watercourses, Banks, Sluices, Floodgates, Tunnels, Watergates, Buildings, Bridges, Steam or other Engines and other Works, and of supplying in such Cases all Things that may be required to work the same, and for the Payment of all necessary Expences of Maintenance of Works of Drainage, Reservoirs, and Water Power, and all other Expences incident thereto, be it enacted, That it shall be lawful for the said Commissioners (or, in Cases where Trustees are appointed, for the said Trustees,) and they are hereby respectively authorized and required, once in every Year, to meet in some convenient Place, and then to determine and fix the Sum of Money that shall be contributed and raised during the then ensuing Year for the Purposes of effecting, sustaining, supporting, and upholding all and singular the aforesaid Works, and for other the Purposes of this Act, and (having regard to and in the Proportions fixed for such Purpose by the said Commissioners in their Award) to assess, rate, and tax the Proprietors of the said Land for and towards the Payment and Satisfaction of all such Sums of Money, Costs, Charges, and Expences as may be required for the Purposes last aforesaid, and for the Payment and Satisfaction of any Sum of Money raised for such Purposes, and the Interest thereof; and the said several Sums so rated and assessed shall be charged on the Land so drained or improved in preference to and with Priority over all Incumbrances thereon: Provided nevertheless, that any Quit Rent or Chief Rent or other Incumbrance thereon previous to the Date of the final Award herein-before mentioned shall have Priority to such Sums of Money so rated or assessed to the Extent of the Value of such Land before the Improvements were effected, but no further; and the said Commissioners and Trustees respectively shall have the same Powers, Rights, and Privileges, by Entry or Mortgage, to enforce the Payment of all such last-mentioned Sums of Money, Costs, Charges, and Assessments as are herein-before given to the said Commissioners for the enforcing Payment of the Sums charged under their Award as aforesaid; and at every such Meeting held by such Trustees all Questions shall be determined by the Majority of the Trustees who shall be present, and such Majority shall and may exercise all the Powers and Authorities given to the Trustees by this Act without the Concurrence of the other or others of them.

Commissioners to settle Differences.

CXXII. And be it enacted, That if any Dispute or Difference shall arise between any Parties interested or claiming to be interested in any Land or River to be drained or improved in pursuance of this Act, touching and concerning any Boundaries or any other Rights and Interests which the said Parties or any of them shall have or claim to have in or over any such Land or River, or touching any other Matter relating thereto, it shall be lawful for the said Commissioners, as well by the Examination of Witnesses upon Oath as upon other proper and sufficient Evidence, to inquire, examine into, hear, and determine the same, and such Determination shall be binding and conclusive upon all Parties concerned, for the Purpose of this Act, but no further or otherwise.

Commissioners may have an Assessor.

CXXIII. And be it enacted, That upon any Inquiry or Proceeding requiring legal Assistance, to be had before the said Commissioners, in pursuance of the Provisions of this Act, it shall be lawful for the said Commissioners, should they so think fit, to retain and appoint as their Assessor any One of Her Majesty's Counsel at Law in *Ireland* to act with and assist the said Commissioners in adjudicating upon the Matter of such Inquiry or Proceeding as aforesaid; and it shall be lawful for the said Commissioners to defray the Expences of retaining or appointing such Assessor out of the Funds at their Disposal under this Act.

Persons summoned by Commissioners, and refusing to give Evidence, to be punished.

CXXIV. And be it enacted, That it shall be lawful for the said Commissioners, upon any Inquiry or Proceeding to be had before them under any of the Provisions of this Act, to summon and examine upon Oath or Affirmation (which Oath or Affirmation the Commissioners are hereby empowered to administer) any Person whomsoever; and if any Person having been so summoned before the said Commissioners to give Evidence touching any Matter to be inquired into under this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his Attendance, shall not appear before the said Commissioners pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or shall refuse to be sworn or to be examined and give Evidence touching

touching the Premises, the said Commissioners, upon Proof thereof upon Oath, shall and they are hereby authorized, by Warrant under their Hands and Seals, to direct any Person whomsoever to cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear or to be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Monies so to be levied as aforesaid shall be considered as Part of the Monies directed to be raised for carrying this Act into execution, and shall be applied accordingly; and all Persons who shall wilfully give false Evidence, or otherwise forswear themselves in any such Examination, may be prosecuted for same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Power to assess Costs.

CXXV. And be it enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Objection to be delivered to or made before them in pursuance of this Act, so think proper, it shall be lawful for them to award and order such Costs and Charges as they shall think reasonable to be paid to the Party in whose Favour any such Determination shall have been made by the other Party; and in case the Person who shall be liable to pay such Costs or Charges shall neglect or refuse to pay the same, on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attendant on such Distress and Sale: Provided always, that in case the said Person against whom the Commissioners shall have determined shall cause an Action to be brought, pursuant to this Act, and proceed to Trial, the Execution of the Warrant aforesaid shall be suspended until after the Trial of such Action; and in case such Person shall upon the Trial of such Action establish the Right against which the Commissioners shall have determined, such Person shall not be liable to the Payment of any such Costs as last aforesaid, but shall be entitled to his Costs of such Action.

Allowing Parties to try their Rights by an Issue at Law.

CXXVI. Provided always, and be it enacted, That in case any Person interested or claiming to be interested in any Land to be included in any Drainage or Improvement to be effected in pursuance of this Act shall be dissatisfied with any Determination of the said Commissioners concerning any Right or Interest in, over, or upon such Land, or any Part thereof, made in the Execution of this Act, or any Injury or Damage sustained by him by reason of any thing done by the said Commissioners, or by their Authority, or in the Prosecution of any of the said Works, it shall be lawful for the Person so dissatisfied to cause an Action to be brought upon a feigned Issue against the Person in whose Favour any such Determination has been made, within Three Calendar Months after the Determination of the said Commissioners shall have been notified in Writing to the Party against whom such Determination shall be made, or to his Attorney, or against any Person by whom any such Injury or Damage may have been caused, within Three Months after such Injury or Damage shall have been sustained, and thereupon the Person so dissatisfied shall proceed to a Trial at Law at the next Assizes immediately following to be held for the County where the Land in respect to which such Dispute may arise shall be situated; and after such Action shall have been commenced the Defendant in such Action shall and he is hereby required to name an Attorney, who shall appear thereto, and accept of an Issue or Issues whereby such Right or Interest insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive upon all Persons whomsoever, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had thereon, which it shall be lawful for the Court to do; and that after such Verdict shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim thereby determined, according to the Event of such Trial: Provided always, that it shall and may be lawful for the Assistant Barrister of the County in which such Parties or either of them reside, with the Assent of such Parties, to be signified by any Agreement in Writing under their Hands, to try and finally determine such Matters in difference between them on a Civil Bill to be preferred before him by either of said Parties; provided also, that if no such Action at Law be commenced or no Civil Bill be brought within Three Calendar Months as aforesaid, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be binding and conclusive to all Intents and Purposes whatsoever; provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the said Commissioners in the Execution of the Powers vested in them by this Act, but the Drainage or Improvement hereby authorized to be made, and all other Matters and Things to be done in pursuance of this Act, shall be proceeded in notwithstanding such Differences or Suits.

If no Action, Commissioners Determination to be final.

Deaths not to stay Actions.

Suits not to delay the Drainage.

Death of Parties not to suspend the Execution of this Act.

CXXVII. And be it enacted, That if any of the Parties interested in the said proposed Works shall die before the same shall be completed, the Powers and Authorities vested in the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of such Powers and Authorities so vested in them in such Manner as they might have done in case such Parties had not died.

CXXVIII. Pro-

How Actions may be brought after the Death of Parties.

CXXVIII. Provided always, and be it enacted, That if any Person in whose Favour a Determination as aforesaid shall have been made, and against whom such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action, it shall be lawful for any Person who might have brought such Action against the Person so dying to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the said Commissioners with Process for commencing such Action, in the same Manner as the Party so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir, or other Person who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action.

Accounts to be laid before Parliament.

CXXIX. And be it enacted, That the said Commissioners shall cause detailed Accounts in Writing of their Proceedings under this Act, and of the several Sums received by them as such Commissioners, and of the Sums expended by them, and the Mode of such Expenditure, and of the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year; and such Account shall be laid before both Houses of Parliament within Thirty Days thereafter if Parliament be then sitting, or within Thirty Days after the First Meeting of Parliament subsequent to the Thirty-first Day of *December*; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct.

Commissioners to make Bye Laws.

CXXX. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to make such Bye Laws, Rules, Orders, and Regulations, not being contrary to any Law or Statute in force in *Ireland*, as to them shall seem meet and proper, according to the Circumstances of every Case, for better carrying into effect the Purposes of this Act or in any Manner relating thereto, and from Time to Time to alter or repeal all or any of such Bye Laws, Rules, Orders, or Regulations, and to make others, and to impose such Fines and Penalties, not exceeding the Sum of Five Pounds, upon all Persons offending against any of such Bye Laws, Rules, Orders, or Regulations, as to the said Commissioners shall seem reasonable; and all such Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners or any Two or more of them; and a Copy thereof, signed by the said Commissioners, shall be deposited with the Clerk of the Peace of every County in which any Part of such District or River to which such Bye Laws shall relate shall be situate, and the same shall be kept with the Records of the County; and a printed or painted Copy of such of the said Bye Laws, Rules, Orders, or Regulations as shall subject any Person, not being an Officer or Servant of the said Commissioners, to any Fine or Penalty, shall be exhibited on Boards at each Toll House, Lock House, and in such other Places as to the said Commissioners shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and shall be observed by all Persons whomsoever; provided that all such Bye Laws, Rules, Orders, and Regulations be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, by Writing under his or their Hands.

Copy of Bye Laws to be Evidence.

CXXXI. Provided always, and be it enacted, That in all Cases of Prosecution for any Offence or Offences against any of the Bye Laws, Rules, Orders, and Regulations of the said Commissioners, the Production of a Book or Document purporting to contain the Bye Laws, Rules, Orders, or Regulations of the said Commissioners, and authenticated by the Signatures of any Two or more of the said Commissioners, shall be Evidence of the Existence of such Bye Laws, Rules, Orders, or Regulations: Provided always, that in every such Prosecution it shall be proved that such printed or painted Copy as aforesaid of such Bye Laws, Rules, Orders, or Regulations was duly exhibited in manner herein-before directed.

Penalty for opening Cloughs and letting off the Water.

CXXXII. And be it enacted, That if any Person, other than such Persons as are authorized by virtue of this Act, shall at any Time draw or open any of the Cloughs, Sluices, or Canals which shall be made under the Authority of this Act, or shall wilfully or maliciously let off the Water of any of the said Reservoirs, Rivers, Canals, or Drains, every such Person shall for every such Offence, on being thereof convicted on the Oath of One or more credible Witness or Witnesses before any One or more of Her Majesty's Justices of the Peace acting in Petty Sessions for the County where the Offence shall be committed, forfeit and pay any Sum of Money not exceeding the Sum of Twenty Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had, which Sum so forfeited shall be employed in and towards carrying on the Works to be done and executed, maintained and supported, in pursuance of this Act; and for Want of sufficient Distress such Offender shall by such Justice be committed to Prison for any Time not exceeding Six Calendar Months, unless he shall pay the said Penalty and Costs of Conviction.

Persons destroying Works guilty of Felony.

CXXXIII. And be it enacted, That all and every Person or Persons whomsoever who shall at any Time hereafter wilfully and maliciously cut, break down, destroy, or damage any Bank, Dam, Tunnel, Sluice, Engine, Building, or any of the other Works which shall be erected and made for the Purposes of this Act, or any Part thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years.

CXXXIV. And

Penalty on Persons depositing Gravel, &c. so as to obstruct the Navigation or free Passage of the Water in the Rivers, &c. improved under this Act.

CXXXIV. And be it enacted, That if any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing so as to interrupt or obstruct the free Passage of Water through or the Navigation of any of the Rivers, Streams, Watercourses, or any of the Cuts, Sluices, or Canals, which shall have been improved by the said Commissioners under this Act, or shall, without the Consent of the said Commissioners, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Rivers, Drains, Canals, or Side Cuts aforesaid, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to the said Navigation or Drainage, or shall so leave any of the same open after any Boat has passed, or otherwise maliciously mis-spend or waste the Water of the said Navigation, or shall raise any Wall, Building, or other Obstruction in said Drains, Canals, Rivers, or Streams, without the Consent in Writing of the Commissioners, such Person, being convicted of any of the Offences aforesaid before any Justice or Justices of the Peace of the County where such Offence shall be committed, or of any adjoining County, by the Oath of One or more credible Witness or Witnesses, shall be fined by such Justice or Justices a Sum not exceeding Ten Pounds, to be levied in such Manner as is herein-after directed with respect to the levying any Fine imposed by any Justice or Justices; and all such Walls, Buildings, or other Obstructions may be forthwith pulled down and removed by the said Commissioners, or any Person or Persons duly authorized by them, and the Materials of such Walls, Buildings, or Obstructions may be sold by Order of the said Commissioners to defray the Costs of their Removal.

Penalty on Persons assaulting Commissioners and others engaged on the Works.

CXXXV. And be it enacted, That if any Person or Persons shall wilfully prevent or assault any of the Commissioners for the Execution of this Act, or any Engineer or other Officer, Servant or Workman, acting in aid or under the Orders of any such Commissioners in the Execution of any of the Powers given by this Act, or shall wilfully destroy or injure any of the Instruments, Tools, or Implements or Materials kept or used by the said Commissioners or any of them, or by any Person or Persons employed by them or any of them, for or in the Execution, Maintenance, or Repairs of any of the Works under this Act, any Person so offending shall forfeit and pay for every such Offence, upon Conviction thereof by the Oaths of One or more credible Witness or Witnesses before any Justice of the Peace, such Sum, not exceeding Five Pounds, as such Justice shall think fit.

Proceedings by Summons for the Recovery of Penalties.

CXXXVI. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof or Admission of the Offence to commit the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

CXXXVII. And be it enacted, That any Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in Words to the same Effect:

' } BE it remembered, That on the Day of *A.B.* is convicted
' to wit. } before Her Majesty's Justices *or* Justice of the Peace for the County of
' by virtue of the Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria*, intituled
' [*here insert the Title of this Act, specify the Offence, and the Time and Place when and where the same*
' *was committed, as the Case shall be*]; and we do adjudge that the said *A.B.* shall for the said Offence
' . Given under our Hands and Seals [*or* my Hand and Seal] the Day and
' Year aforesaid.

Recovery and Application of Penalties.

CXXXVIII. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or incurred under the Provisions or Directions thereof, and all Sums payable for Compensation or Damage, the Manner of levying and recovering whereof is not herein-before otherwise particularly directed, may be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace of the County in which such Offence shall have been committed, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person, or on the Confession of the Party offending, which Oath or Affirmation such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, or Sums for Compensation or Damage, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party making such Default, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being deducted; and in case such Penalties or Forfeitures shall not be forthwith paid off, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made of such Warrant of Distress, unless the Offender can give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the County where such Offence shall have been committed as aforesaid, on such Day or Days as shall be appointed for the Return of the Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the taking any such Security, and which Security any Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such

Justice, upon the Confession of the Offender or otherwise, that he has no sufficient Goods and Chattels whereupon such Penalty, Forfeitures, Costs, and Expences could be levied (if a Warrant of Distress should be issued), such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to any Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, shall be sooner paid and satisfied, or shall otherwise be discharged by due Course of Law; and such Penalties and Forfeitures, when received, shall be paid to the Commissioners or Trustees aforesaid, and be by them applied to the Purposes of this Act.

Proceedings not to be quashed for Want of Form.

CXXXIX. And be it enacted, That any Orders, Convictions, or other Proceedings to be had or made by or before any Justice of the Peace by virtue of the Powers granted by this Act, or any Orders or Proceedings to be had or made by, before, or on behalf of the said Commissioners, or, in case of Appeal, by or before the Assistant Barrister, shall not be quashed or vacated for Want of Form only.

No Action to be brought against any Person acting in execution of this Act, until after Notice, &c.

CXL. And be it enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted by any Person for any thing done in pursuance of this Act, or in execution of the Powers or Authorities herein contained, unless Notice in Writing of such Action, Suit, or Information, specifying the Ground or Cause thereof, and signed by the Attorney for the Plaintiff, shall be given to the said Commissioners or Trustees, or Persons against whom Proceedings are intended to be commenced, at least Twenty-one Days before such Action, Suit, or Information shall be commenced.

No Action to be brought after Tender of sufficient Amends, &c.

CXLI. And be it enacted, That no Plaintiff shall recover in any Action to be brought against any Commissioners or Trustees, or any other Person, for any thing done in execution of the Powers vested in them or him under this Act, if Tender of sufficient Amends shall be made by or on behalf of the Commissioners, Trustees, or Person before such Action is brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as they or he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and given in and by such Court as in Actions where the Defendant is allowed to pay Money into the Court.

General Issue.

CXLII. And be it enacted, That if any Action shall be brought against any Person or Persons as aforesaid, for any Act, Matter, or Thing done by virtue of this Act, such Person or Persons may plead the General Issue, and give the special Matter in Evidence.

Appeal to Quarter Sessions where Parties think themselves aggrieved.

CXLIII. And be it enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act, except in Cases herein-before provided for, to appeal to the General Quarter Sessions of the Peace which shall be held in the Division of the County wherein the Matter of Complaint may arise, or any Adjournment thereof, within Six Calendar Months next after the Cause of Complaint shall have arisen, first giving or causing to be given Twenty-eight Days Notice thereof, in Writing, to the Commissioners or Trustees or One of them, and to the Parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any Adjournment thereof, are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order respecting same, and to award such Costs, as to them in their Discretion shall seem meet, and by their Warrant to levy the Costs awarded by Distress and Sale of the Goods and Chattels of the Parties respectively adjudged to pay the same, and rendering the Overplus (if any) to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justice shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Commissioners not liable for Damage arising to Lands, &c. from Insufficiency of Embankments, &c. unless Notice previously given.

CXLIV. And be it enacted, That nothing herein contained shall be construed to render the said Commissioners or Trustees respectively liable for any consequential Damages which may happen to any Land or other Property through or by the accidental overflowing of any River, Stream, or Watercourse, or by the sudden breaking of any Bank, Dam, or Sluice whatsoever, which, under the Provisions of this Act, the said Commissioners or Trustees may take upon them the Duty of regulating or maintaining: Provided nevertheless, that if the Owner or Occupier of such Land shall have given Notice in Writing to the said Commissioners, or to One of such Trustees, warning them or him of the Probability of such Damage, or the Weakness and Deficiency of any such Bank, Dam, or Sluice, and requiring them or him to strengthen, amend, and repair the same, and the said Commissioners or Trustees (as the Case may be) shall not, within Seven Days next after the Delivery of such Notice, take proper Precautions to prevent the same, then and in such Case the Amount of all consequential Damages which shall happen through Neglect thereof shall be made good out of the Rates to be levied by the said Commissioners or Trustees under this Act.

Persons injured by Insufficiency of Bridges may memorialize the Lord Lieutenant.

CXLV. 'And whereas many County and other public Bridges in *Ireland*, while they are sufficient as 'Roadways or Passages, are insufficient to discharge the Flood Waters and Streams over which they are 'constructed, by means of which much Injury is done to and Improvement prevented in Lands lying 'above such Bridges, and it is expedient to provide Means by which the said Evil should be remedied;' be it therefore enacted, That where, owing to the Insufficiency of any County or other public Bridge to discharge the Flood Waters in the River or Stream over which the same may be built, any Land is injuriously affected or Improvement thereupon prevented, it shall be lawful for any Person interested in such Land to present a Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*,

Ireland, stating the Nature of the Injury sustained or the Improvement prevented, together with the Cause thereof, and praying that the said Commissioners of Public Works may be directed to examine and report on the same.

The Lord Lieutenant may direct the Commissioners of Public Works to examine and report upon the Subject of the Memorial.

CXLVI. And be it enacted, That thereupon, if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall so order, (and if the Person or Persons so applying depositing with the said Commissioners such Sum of Money as they may require to defray the Expence of such Examination and Report,) the said Commissioners shall inquire into the Facts of the Case, and the Propriety and Expediency of complying with such Memorial; and if the said Commissioners shall, upon such Inquiry, be of opinion that Injury is caused to or Improvement prevented in the Land of the Person or Persons so applying, they shall report the same to the said Lord Lieutenant or other Chief Governor or Governors; and such Report shall be accompanied by a Plan, Estimate, and Specification for the Execution of the proposed Works for such Bridges, or to remedy the Evil complained of in such Memorial, and also a Statement of the Proportions in which the Expences thereof should be defrayed by the County or Counties, if more than One, between which such Bridge shall be, and by such neighbouring Counties (if any) as ought to be contributory to such Expences; and the said Lord Lieutenant or other Chief Governor or Governors shall, upon the Receipt of such Report of the said Commissioners, cause the same to be transmitted to the Secretary of the Grand Jury of each County named in such Statement as proper to be contributing to such Expences, to be by him laid before the Grand Jury at the next Assizes; and the Foreman of each such Grand Jury shall certify the same in like Manner as if the same were an Application made at Presentment Sessions for any new Bridge, the probable Expence whereof might exceed Fifty Pounds; and the Grand Jury at such Assizes shall also determine whether the Amount mentioned in such Report shall be raised off the County at large, or any Barony or Baronies therein, and the said Foreman shall endorse the said Report accordingly; and at the Meeting of Presentment Sessions for the Barony or Baronies, or for the County at large, (as may be directed by such Grand Jury,) to be holden next after the Assizes at which such Report shall have been so certified as aforesaid, the same, together with the Plan, Estimate, and Specification relating thereto, shall be laid before the Justices and Cess-payers at such Sessions, for their Consideration, who shall examine such Report, together with the Plan, Estimate, and Specification, and decide by a Majority of Votes whether the same ought to be adopted or rejected, or, in case only One County shall be liable to the Expence, what Modification of such Plan, Estimate, and Specification may be proper; and in such Case such Justices and Cess-payers shall, if need be, direct the County Surveyor to prepare a proper Form of Tender for the Alteration, Re-construction, or rebuilding of such Bridge, expressing the Nature and Extent of the Works necessary, and the Materials proper to be employed in performing and executing the same, and the Term within which such Bridge should be altered, rebuilt, or reconstructed, and such other Particulars as the said Justices and Cess-payers shall think fit to prescribe, and shall deliver the Plan, Estimate, and Specification which shall be so approved of to the Secretary of the Grand Jury; and in Cases where the Expence is to be paid by any One County as aforesaid, such Justices and Cess-payers shall appoint the Manner in which Notice for the Receipt of sealed Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be received; and such sealed Tenders and Proposals shall be opened at the First Adjournment of such Sessions to be made for opening sealed Tenders and Proposals; and such Report, together with such sealed Tenders and Proposals, where such shall in the Case aforesaid have been made, shall be laid before the Grand Jury at the next succeeding Assizes; and in case such Report, or any Modification thereof, shall have been approved of at Presentment Sessions as aforesaid, it shall be lawful for each such Grand Jury, at the Assizes next after such Presentment Sessions, if they shall so think fit, to present, to be raised off the County at large, or any Barony or Half Barony therein, such Sum as by the Report of the said Commissioners shall be payable by such Grand Jury, or such other Sum as such Grand Jury may in their Discretion think fair and reasonable, towards the proposed Alteration, Reconstruction, or rebuilding of such Bridge, in such Manner, and according to such Plan and Specification, and on such Site, as the said Commissioners may in their said Report have recommended, or in case One County only shall be liable to such Expence, then according to such altered or modified Plan or Specification as shall have been approved of at Presentment Sessions as aforesaid.

The Grand Jury of one County having presented, the Grand Jury of the other County to do so for a similar Amount.

CXLVII. And be it enacted, That in all Cases where Two or more Counties shall, under the Provisions herein-before contained, be liable to contribute to the Expence of the proposed Work, and where the Grand Jury of one of such Counties shall have been presented the Amount of the Proportion of Expences required or proposed by the Report of the said Commissioners to be contributed by such County, or such other Sum as they may consider fair and reasonable, the Grand Jury of the other or others of the said Counties shall and they are hereby, at the same or next succeeding Assizes, authorized and required to present their respective Proportions of the Expences mentioned in the Report of the said Commissioners, or to present respectively a Sum equal in Amount to that previously presented by the Grand Jury of the other of the said Counties: Provided nevertheless, that where more than Two Counties shall have been declared by the Report of the said Commissioners to be liable to contribute to the Expence of any such Bridge, the Grand Jury of any of such Counties shall be at liberty to appeal against the Report of the said Commissioners to the said Lord Lieutenant or other Chief Governor or Governors in Council, in such and the same Manner, and under such Restrictions and Provisions, as are contained in an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King

4 & 5 W. 4. c. 61.

William the Fourth, intituled *An Act for the more effectually providing for the Erection of certain Bridges in* Ireland.

If Grand Jury neglect to present, the Court may authorize the Person presenting the Memorial to alter or rebuild.

CXLVIII. And be it enacted, That in case no Presentment shall be made by any Grand Jury, pursuant to such Report, for the Alteration, Reconstruction, or rebuilding of such Bridge, or in case only a Portion of the Expences shall have been presented by any Grand Jury or Grand Juries, the Court may, at the same or any succeeding Assizes, make an Order, directing that the Person presenting such Memorial as herein-before mentioned shall be at liberty, at his or their own Expence, to have the said Bridge altered, reconstructed, or rebuilt, in such Manner, and according to such Plan and Specification, and on such Site, as may be approved of by the said Commissioners of Public Works.

Under whose Direction Alterations are to be made.

CXLIX. And be it enacted, That in case such Bridge shall, under the Provisions aforesaid, be altered, reconstructed, or rebuilt at the Expence of any One County, the Work shall be executed as any other Bridge within such County; and that in case such Bridge shall be altered, reconstructed, or rebuilt at the Expence of Two or more Counties, or at the Expence of any Memorialist under this Act, the Work shall be executed by and under the Control of the said Commissioners of Public Works.

Persons may traverse Presentments.

CL. Provided always, and be it enacted, That in all Cases where One County only shall be liable to contribute to the Expence of any such Bridge, it shall be lawful for any Person paying County Rates, and liable to contribute to the Expence of the Alteration, Reconstruction, or rebuilding of such Bridge, to traverse the Presentment for the same in respect of the Truth of any of the Statements contained in any such Memorial or Report as herein-before mentioned, or in respect to the Amount of Expences necessary in the Reconstruction, Alteration, or rebuilding such Bridge, but not further nor otherwise; and it shall be lawful in like Manner and to the like Extent, but no further, for any Person paying County Rates, and liable as aforesaid, to traverse the Presentment for such Bridge which shall be made by the Grand Jury of any County first making Presentment towards the Expences thereof, but no Traverse shall lie against any Presentment subsequently made by the Grand Jury of any other County.

In case Grand Jury neglect to present, the Court may make an Order.

CLI. And be it enacted, That in Cases where the Grand Jury of any County are required by this Act to present towards the Expence of altering, reconstructing, or rebuilding such Bridge, and shall neglect or refuse so to do, the Judge of Assize shall make an Order directing that the Treasurer of such County shall insert the necessary Sum in his Warrant, and such Order shall have the Effect of a Presentment, and the Sum mentioned in such Order shall be levied off such County in the same Manner as if the same had been duly presented by such Grand Jury.

Penalty for wilfully causing Obstructions in Streams or Rivers.

CLII. 'And whereas much Injury is caused by Persons placing or throwing Stones and other Materials 'into the Rivers and Streams in *Ireland*, and thereby and otherwise raising Obstructions therein;' be it therefore enacted, That if any Person shall, after the passing of this Act, wilfully throw or place any Stones, Gravel, or other Material in any Stream, River, or Watercourse, and thereby, or by any other Means, create any Obstruction in the free Discharge of the Waters therein, whereby the Lands of any other Person or Persons may be flooded or in any Manner injured, every such Person, being convicted thereof before Two or more Justices of the Peace at Petty Sessions, shall forfeit and pay such Sum, not exceeding the Sum of Five Pounds, as such Justices may think proper, which Penalty shall, in case of private Property, be paid to the Party aggrieved, or, in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as such Justices of the Peace shall direct; and if such Penalty, together with Costs, if awarded, (which Costs such Justices of the Peace are hereby authorized to award if they shall think fit,) shall not be paid, either immediately after the Conviction or within such Period as such Justices shall at the Time of the Conviction appoint, the said Justices may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, as the said Justices shall think fit, for any Term not exceeding Two Calendar Months, unless such Sum and Costs be sooner paid; and it shall be lawful for such Justices to direct that the Obstruction complained of shall be removed, and include in the Costs which such Justices are herein-before authorized to award, the Expence of removing such Obstruction: Provided always, that nothing herein contained shall extend to any Case where the Person complained of acted under a fair and reasonable Supposition that he had a Right to do the Act complained of.

Not to affect the Powers of the Shannon Commissioners.

CLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested in the Commissioners appointed under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River* Shannon.

2 & 3 Vict. c. 61.

Saving the Rights of the Irish Society, under 1 & 2 Vict. c. lxxxvii.

CLIV. Provided also, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested in the *Irish* Society, by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for draining and embanking certain Lands in* Lough Swilly *and* Lough Foyle *in the Counties of* Donegal *and* Londonderry.

Saving Canals.

CLV. Provided always, and be it enacted, That nothing herein contained shall authorize or enable the said Commissioners, or any Person or Persons acting or pretending to act under this Act, to make or construct any Work injurious to the Navigation of any Canal in *Ireland*, nor shall authorize or enable the said Commissioners to lessen the Supply of Water thereto, without previously making equivalent Provision in lieu thereof; and should the Directors or Managers of any Canal in *Ireland* be dissatisfied with the Decision of the Commissioners in respect to any Work proposed to be made by the said Commissioners, and which Work, in the Opinion of such Directors and Managers, shall be injurious to Navigation, or in respect

respect of the Adequacy of the Provisions proposed to be made for the Supply of Water to any Canal, it shall be lawful for such Managers and Directors to apply by Petition in a summary Way to the Court of Chancery or Exchequer, complaining of such Decision, in the same Manner, and under and subject to the same Restrictions and Provisions, as Persons interested in any Mill or Factory affected or proposed to be affected by any thing to be done under the Provisions of this Act are herein-before empowered to apply to such Courts for Relief, and thereupon such Court shall exercise the like Jurisdiction, Powers, and Authorities as in such Cases herein-before provided.

This Act not to repeal or alter the Act 1 & 2 W. 4. c. 57. s. 13.

CLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested or which may be vested in any Company or Person under the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to widen, embank, and remove Obstructions in Rivers,* or any Act for the Amendment thereof.

Provision for Taxation of Costs.

CLVII. And be it enacted, That the Solicitor of the Board of Works shall be employed and do all professional Business which may be necessary to be done under and by virtue of this Act, and that he shall not be entitled to receive any Payment as Remuneration for such Services beyond the Amount of such Salary as may be payable to him as such Solicitor of said Board: Provided always, that nothing herein contained shall be construed to prevent the said Solicitor of the Board of Works from charging for and receiving Payment of all such Disbursements and Expences as may be necessarily and properly made and incurred in the Performance of such professional Business, of the Necessity and Propriety of which Disbursements and Expences the said Commissioners of the Board of Works shall judge, and, when paid by the said Board of Works, the Amount so paid for such Disbursements and Expences shall be charged upon and leviable out of the Lands in respect of which the same have been incurred, in like Manner as the other Sums chargeable thereon under and by virtue of this Act.

Provision for Districts where there are no Petty Sessions.

CLVIII. And be it enacted, That wheresoever throughout this Act any Act, Matter, or Thing may be directed to be done at the Petty Sessions for the District wherein any Place may be situate, the same shall and may be done at the Petty Sessions for the next adjoining District, in any Case where such Place shall not be included in any such District.

Definition of Terms in this Act.

CLIX. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, whether Bog Land, Land periodically flooded or covered with Water, or otherwise wholly or partially unproductive, and shall also extend to Messuages, Tenements, Mills, Weirs, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, and any Charge or Incumbrance thereon; and the Word "River" shall extend to all Rivers, Lakes, Canals, Streams, and Estuaries; and the Words "Person or Persons," and the Words "Proprietor or Proprietors," shall extend to all Bodies Politic, Corporate, or Collegiate, and also all Bishops, Parsons, and other Ecclesiastical Persons, as to Lands held by them in those respective Characters, and to any Number of Persons associated together as a Company or Partnership; and the Expression "Chief Rent" shall extend to and include all Rent or Rents reserved upon or payable out of or in respect of the Estate or Interest of any Person being a Proprietor within the Meaning of this Act, or any Estate or Interest paramount thereto; and the Word "Counties" shall extend and be applied to all Counties, Counties of Cities, and Counties of Towns; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Piers not to be constructed without Leave of the Admiralty.

CLX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Commissioners, or any Trustees elected hereunder, or any other Person, to construct or erect any Pier, Quay, Wharf, Jetty, Breast, or Embankment in or adjoining to any public Harbour, or any River immediately communicating therewith, so far as the Tide flows up the same, without the previous Authority and Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be for that Purpose signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Saving the Property of the Ordnance.

CLXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or in any Manner affect any of the Estates, Rights, or Property of Her Majesty, Her Heirs or Successors, or of the principal Officers of Her Majesty's Ordnance, in Trust for Her Majesty, Her Heirs or Successors, for the public Service, or authorize or enable the said Commissioners, or any Trustee to be elected under the Authority of this Act, or any other Person or Persons whomsoever, in any Manner to interfere with any Fortification, Battery, or other Work of Defence, on any such Estates, Rights, or Property as aforesaid, or any Easement, Watercourse, or other Commodity or Advantage belonging to or enjoyed therewith, or to quarry, dig, or raise Gravel, Earth, Stones, Sand, or other Materials therein, without the Consent of the said principal Officers, or their Successors in Office, or of the commanding Royal Engineer in *Ireland* or the District for the Time being.

Act may be amended, &c.

CLXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

By the Justices and Associate Cess-payers at the Presentment Session held at in the County of on for the Barony [*or* Half Barony *or* County at large] of [*here state the Name of the Barony or County for which the Presentment Sessions are held*].

We declare that we approve of the Works proposed to be made for making navigable or improving the Navigation of [*state the River, &c.*], and described in the Report, Schedules, Maps, Plans, and Estimate deposited with the Clerk of the Peace of the County of by the Commissioners for carrying into effect an Act passed in the Year of the Reign of Her present Majesty, intituled [*here state the Title of this Act*], and laid before us; and we further agree and consent that the Proportion of the Costs and Expences of so much of the said Works as shall relate to such Navigation which shall be assessed upon the Barony [*or* Half Barony *or* County] of or any Townland or Townlands thereof, under the Provisions of the said Act, shall be raised off the said Barony [*or* Half Barony *or* County] or Townland or Townlands respectively.

Signed on behalf of the said Presentment Session.

A. B.,
Chairman of the said Presentment Session.

CAP. XC.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland;* and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-three. [10th *August* 1842.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 4 & 5 *Vict.* c. 61.]

Allowances to to be paid quarterly.

XIV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the present Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five,* the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

All Things in this Act relating to Counties shall extend to Ridings, &c.

XXXIII. And be it enacted, That all Things in this Act contained relating to Counties and to Regiments of Militia respectively shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon.*

CAP. XCI.*

An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade. [10th *August* 1842.]

'WHEREAS Vessels engaged in the Slave Trade, together with the Goods, Wares, and Merchandizes 'laden therein, have been captured by Her Majesty's Cruizers, and condemned to the Crown, under 'or by virtue of the Provisions of the Act passed in the Second and Third Years of the Reign of Her 'present Majesty, intituled *An Act for the Suppression of the Slave Trade:* And whereas it is expedient 'that Authority be given to confer suitable Rewards upon Persons who have been or may be hereafter 'so employed in the Seizure and Detention of such Vessels as aforesaid:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Proceeds to which Her Majesty is entitled of every Ship and Vessel, and of the Goods, Wares, Merchandize, and Effects on board of every Ship and Vessel, which may have been or may be hereafter condemned under or by virtue of the Provisions of the said Act passed in the Second and Third Years of the Reign of Her present Majesty, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall direct or appoint to receive the same.

2 & 3 Vict. c. 73.

Proceeds of Vessels, &c. to be paid to such Person or Persons as Treasury may appoint.

Net Proceeds to be paid to Captors.

II. And be it enacted, That the net Proceeds of every Ship and Cargo so condemned, after deducting all necessary Expences, shall be paid to the Captors, to be distributed to and amongst the Commanders, Officers, and Crews of Her Majesty's Ships engaged in the Seizure thereof, in such Manner and Proportion, and to and amongst such Persons, as by any Order in Council or Proclamation in force at the Time of the Capture, or by any Order in Council or Proclamation of Her present Majesty, Her Heirs and Successors, for that Purpose ordered and directed.

* *See Cap.* 40, 41, 42, *and* 59, *supra.*

III. And

Distribution of Bounty and Prize Money.

III. And be it enacted, That all the Provisions in regard to Prize Money, and other Money in the Nature thereof, including all Rules and Regulations relating to the Delivery by Agents of Accounts of Prize and other Money as aforesaid, and to the Examination of such Accounts, and to the Distribution of Prize or other Money, and to the accounting for and paying over the unclaimed and forfeited Shares, and to the Per-centage payable in aid of the *Greenwich* Out-Pension Fund for the Benefit of the old and invalid Seaman who have served in the Royal Navy, which under any Act or Acts are now in force, and all Penalties and Forfeitures to which Agents and others are made subject by any such Acts, shall be and the same are hereby extended to all Bounties and Proceeds payable and distributable under the Provisions of the said recited Act of the Second and Third Years of the Reign of Her present Majesty, and of this Act, to the Commanders, Officers, and Crews of any of Her Majesty's Ships or Vessels.

Returns from Vice-Admiralty of all Cases adjudged, with State of the Property.

IV. And be it enacted, That the Registrars of the several Vice-Admiralty Courts respectively shall, on the First Day of *January* and First Day of *July* in every Year, transmit to the said Commissioners of Her Majesty's Treasury a List or Return of all Cases which shall have been adjudged in the said Courts respectively, under the said recited Act of the Second and Third Years of the Reign of Her present Majesty, during the Six Months preceding, together with the Names of the Seizors, and the Dates of the Seizures and Sentences respectively, together with an Account of the State of the Property, according to the Schedule marked (A.) to this Act annexed.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

V. And be it enacted, That any Party or Parties claiming any Benefit by way of Bounty or Share of the Proceeds, for any Seizure under the said Act of the Second and Third Years of the Reign of Her present Majesty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any such Seizure, and enforce any Decree or Sentence of any Vice-Admiralty Court relating to any Seizure under the said Act.

Treasury may direct Payment of Costs by Seizor, &c. in certain Cases.

VI. And be it enacted, That when any Seizure shall be made or Prosecution instituted as or for the Violation of any of the Provisions of the said recited Act, and Judgment shall be given against the Seizor or Prosecutor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment to be made of such Costs, Damages, and Expences as to the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate Part thereof.

Not to limit or annul the Provisions of 2 & 3 Vict. c. 73.

VII. Provided always, and be it enacted, That nothing in this Act contained shall limit or annul, or be deemed or construed to limit or annul, any of the Provisions of the said Act passed in the Second and Third Years of the Reign of Her present Majesty, or of any other Act or Acts referred to therein.

SCHEDULE (A.) referred to by this Act.

Date of Seizure.	Property seized.	Seizor.	Date of Sentence.	Decretal Part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any Part remains unsold, and in whose Hands the Proceeds remain.

CAP. XCII.

An Act to permit, until the Thirty-first Day of *August* One thousand eight hundred and forty-five, Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse.

[10th *August* 1842.]

'WHEREAS it will be of advantage to the Trade and Commerce of the Country that Wheat should 'be permitted to be delivered Duty-free from the Warehouse or from the Vessel, upon the 'depositing in the Warehouse, or due Exportation therefrom, of an equivalent Quantity of Wheat 'Flour and Biscuit, in the Manner herein-after mentioned;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the principal Officer of Customs having Charge of any Warehouse, in which any Wheat may have been or may be warehoused without Payment of Duty upon the first Entry thereof under any Law in force, to deliver any Quantity thereof Duty-free, upon there being deposited in Warehouse in lieu thereof fine Wheat Flour or Biscuit, as herein-after mentioned; (that is to say,) upon there being deposited in Warehouse, in lieu of the Wheat so to be delivered,

Warehoused Wheat to be delivered Duty-free upon substituting an equivalent Quantity of Wheat Flour or Biscuit.

For every Ninety-six Pounds of Kiln-dried Wheat, or

For every One hundred Pounds of Wheat not being Kiln-dried,—not less than Seventy-eight Pounds of fine Wheat Flour, or

Sixty-eight Pounds of Captain's Biscuit, or

Eighty Pounds of Biscuit of the Standard of the Biscuit supplied to Her Majesty's Navy, or

One hundred and eighteen Pounds of Common Ship's Biscuit;

And so in proportion for any less Quantity than—

Ninety-six Pounds of Kiln-dried Wheat, or

One hundred Pounds of Wheat not Kiln dried;

such Flour or Biscuit having been manufactured in the United Kingdom, or such Flour having been duly imported thereinto and the Duty thereon having been paid.

Fine Wheat Flour and Biscuit may be warehoused and a Certificate granted for an equal Quantity of warehoused Wheat free.

II. And be it enacted, That it shall be lawful for the Owner of any such fine Wheat Flour or of any such Biscuit as is herein-before mentioned to deposit any Quantity of such Flour or Biscuit in any Warehouse in which Foreign Flour or Biscuit may be warehoused according to Law; and upon such Deposit being so made such Officers of Customs as shall be appointed by the Commissioners of Her Majesty's Customs so to do shall give to the Party making such Deposit a Certificate under their Hands of such Deposit having been made, according to the Form in the Schedule to this Act annexed; and such Certificate shall, during the Period of Six Weeks from the Date thereof, and no longer, entitle the Holder of it to have such Quantity of warehoused Wheat delivered to him Duty-free from any Warehouse as according to the Scale herein-before set forth shall be equivalent to the Flour or Biscuit mentioned in such Certificate.

Depositors of Flour and Biscuit may have equal Quantities of Wheat, &c. entered free from the Vessel.

III. And be it enacted, That any Person having deposited in any Warehouse, in the Manner required by this Act, any Quantity of fine Wheat Flour or Biscuit, shall be entitled to enter Duty-free, from any Vessel, such a Quantity of Wheat as, according to the Scale herein-before set forth, shall be equivalent to the Quantity of Flour or Biscuit so deposited, and that the Holder of any such Certificate as is herein-before mentioned shall also be entitled to enter Duty-free, from any Vessel, any Quantity of Wheat which, according to the said Scale, shall be equivalent to the Quantity of Flour or Biscuit mentioned in the said Certificate.

Notice to be given of Quantity of Wheat required from Warehouse, and of the Day of Delivery.

IV. And be it enacted, That Three Days at least before any Wheat shall be delivered from any Warehouse or Vessel Duty-free under this Act, the Person requiring such Delivery shall give or cause to be given to the Collector of the Port a Notice in Writing, specifying the Quantity of the Wheat so required to be delivered, and the Day upon which the Delivery is required to be made, or, in Cases where such Wheat is required under such a Certificate as is herein-before mentioned, shall deliver to the Collector of the Port the Certificate of the previous Deposit of Flour or Biscuit in respect of which such Wheat is to be so delivered, and shall also make due Entry of such Wheat in the Manner required by Law upon the Entry of Goods for Home Consumption.

No Wheat to be delivered Duty-free until substituted Article deposited and Certificate examined.

V. And be it enacted, That no Wheat shall be delivered Duty-free under this Act until the Articles herein-before required to be substituted for the same shall have been deposited in the Warehouse, nor until the proper Officer of Customs shall have ascertained that such Articles are of the Quality and Weight herein-before required; nor shall any Wheat be delivered Duty-free under any such Certificate as aforesaid, until the same shall have been delivered to and duly examined by the proper Officer, and found to be correct, nor until such Wheat shall have been weighed and measured at the Expence of the Party requiring the Delivery thereof.

Substituted Flour and Biscuit to be subject to the Warehousing Laws, but not to be taken

VI. And be it enacted, That all Flour and Biscuit which, under the Provisions of this Act, shall have been deposited in Warehouse as aforesaid, shall be subject in all respects to the same Rules, Regulations, Penalties, Restrictions, and Forfeitures as warehoused Goods shall for the Time being be subject to under the Laws in force, save and except that such Biscuit shall not be permitted to be taken out of the Warehouse for Home Consumption, and that such Flour, upon Entry thereof from the Warehouse for Home Consumption,

Consumption, shall be liable to such and the same Duties as the same would be liable to if it were the Manufacture of and imported from Foreign Countries. out for Home Consumption;

VII. And be it enacted, That it shall not be lawful to re-import any such Flour or Biscuit; and any such Flour or Biscuit, if re-imported, shall be forfeited. nor to be re-imported.

VIII. And be it enacted, That if any Parcel or Package tendered to be so deposited as aforesaid, purporting to be or to contain such Flour, shall thereupon or thereafter be found to be or contain Flour other than the best fine Wheat Flour, or any other Article than the best fine Wheat Flour, or if any Parcel or Package tendered to be so deposited as aforesaid, purporting to be or to contain Biscuit of any of the several Qualities herein-before mentioned, shall be found to be or to contain Biscuit of an inferior Quality, or to be or contain any other Article than Ship's Biscuit, every such Parcel or Package and the Contents thereof shall be forfeited, together with the penal Sum of Five Pounds for every Quarter of the Wheat for which the same was intended to be substituted, such Penalty to be paid by the Party tendering the Article to be deposited; and such Forfeitures and Penalties shall be recovered and dealt with in all respects as Forfeitures and Penalties under any Law relating to the Customs are recovered and dealt with. Penalties for depositing Articles of inferior Quality.

IX. And be it enacted, That this Act shall commence and take effect from the passing thereof, and shall continue in force until the Thirty-first Day of *August* One thousand eight hundred and forty-five. Term of Act.

X. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE referred to by this Act.

CERTIFICATE of DEPOSIT of FINE WHEAT FLOUR or BISCUIT under Victoria, Cap.

Port of

WE, the undersigned, do hereby certify, That *A.B.* has this Day deposited in a certain Warehouse situated [*describe the Situation*] the following Articles [*describe the Qualities and Weights of the Articles deposited in Words at Length*], and that the same are of the before-mentioned Qualities and Weights, according to the true Intent and Meaning of the above-mentioned Act.

Given under our Hands, this Day of

A.B.
C.D.

CAP. XCIII.

An Act to amend an Act of the Fourth Year of Her present Majesty, to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof.

[10th *August* 1842.]

'WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof:* And whereas the Practice has greatly increased of introducing in the Manufacture of Tobacco and Snuff various Articles other than Tobacco, either as Substitutes for Tobacco or Snuff, or to increase the Weight of Tobacco or Snuff, by which Practice the Duties on Tobacco are greatly injured, and the Revenue further damnified by Drawbacks being obtained on adulterated Tobacco, and it is therefore expedient and necessary, in Protection of the Revenue, to make further Provision than is contained in the said recited Act for preventing such evil Practice, and to amend the said recited Act;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Manufacturer of Tobacco shall, in manufacturing any Tobacco, make use therewith of any other Material, or any other Liquid or Substance, or Matter or Thing, than Water only, or in manufacturing any Snuff make use therewith of any other Material, or any other Liquid or Substance, or Matter or Thing, than Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welsh* or *Irish* Snuff; and every Manufacturer of Tobacco who shall, in manufacturing any Tobacco, make use therewith of any other Material, Liquid, or Substance, Matter or Thing, than Tobacco and Water only, or in manufacturing any Snuff make use therewith of any other Material, Liquid, or Substance, Matter or Thing, than Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welsh* or *Irish* Snuff, and every Manufacturer of, Dealer in, or Retailer of Tobacco, who shall add to, mix with, or put into or amongst, or who shall cause or suffer or permit to be added to, mixed with, or put into or amongst any Tobacco or Snuff, unmanufactured, manufacturing, or manufactured, any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welsh* or *Irish* Snuff, shall forfeit Three hundred Pounds. 3 & 4 Vict. c. 18. Manufacturers to use Water only in manufacturing Tobacco, and no other Liquid or Substance than as herein described in manufacturing Snuff. Penalty 300*l.*

II. Provided always, and be it enacted, That nothing herein-before contained shall subject any Manufacturer of, Dealer in, or Retailer of Tobacco to the said Penalty of Three hundred Pounds, or to any Forfeiture, for or by reason of his scenting or flavouring any Snuffs, so that only the Essential Oils usually made use of for that Purpose shall be used for communicating the Scent or Flavour, nor Penalty not to be incurred by Use of Essential Oils for scenting or flavouring Snuff.

nor any Manufacturer to the said Penalty for or by reason of his using Oil in making up Spun or Roll Tobacco.

Penalty on receiving, sending out, or having in possession Tobacco or Snuff manufactured otherwise than with Water, 200*l.*

III. And be it enacted, That every Manufacturer of, Dealer in, or Retailer of Tobacco who shall receive or take into or have in his Possession, or who shall sell, send out, or deliver, any Tobacco or Snuff which shall have been manufactured with, or shall have had added thereto or mixed therewith, or into or amongst which there shall have been put, either before or whilst in process of Manufacture, or after being manufactured, or in which there shall be found on Examination thereof any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, or in Roll Tobacco Water and Oil only, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welsh* or *Irish* Snuff, shall forfeit Two hundred Pounds.

Tobacco manufactured otherwise than with Water forfeited.

IV. And be it enacted, That all Tobacco and Snuff which shall have been manufactured with, or shall have added thereto or mixed therewith, or into or amongst which there shall have been put, either before or whilst in process of Manufacture, or after being manufactured, or which on Examination shall be found to contain any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, or in Roll Tobacco Water and Oil, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welsh* or *Irish* Snuff, shall, wheresoever the same may be found, be forfeited.

Manufacturers not to have in their Possession Sugar, Honey, Leaves, &c.

Penalty 200*l.*

V. And be it enacted, That no Manufacturer of Tobacco shall receive or take into or have in his Custody or Possession any Sugar, Treacle, Molasses, or Honey, (except for the necessary and ordinary Use of his Family, the Proof whereof shall lie on such Manufacturer,) nor any Commings or Roots of Malt, or any ground or unground roasted Grain, ground or unground Chicory, Lime, Sand (not being Tobacco Sand), Umbre, Ochre, or other Earths, Sea Weed, ground or powdered, Wood, Moss, or Weeds, or any Leaves, or any Herbs or Plants (not being Tobacco Leaves or Plants) respectively, nor any Substance or Material, Syrup, Liquid, or Preparation, Matter or Thing, to be used or capable of being used as a Substitute for or to increase the Weight of Tobacco or Snuff, on pain of forfeiting the same and Two hundred Pounds.

Manufacturers of Tobacco, who are also Grocers at the passing of the Act, may continue to carry on the Trades.

VI. ‘ And whereas it may happen that some Manufacturers of Tobacco may also carry on the Business ‘ of a Grocer, and it is expedient to provide for such Persons not being subject to the last-mentioned ‘ Penalty of Two hundred Pounds for or by reason of their having Sugar or Molasses and other of the ‘ aforesaid Commodities usually sold by Grocers in their Custody or Possession on the Premises used in ‘ carrying on their Grocery Business;’ be it enacted, That where any Person shall before the First Day of *June* One thousand eight hundred and forty-two have carried on, and shall at the passing of this Act be still carrying on, the Trade or Business of a Manufacturer of Tobacco, and also the Trade or Business of a Grocer, it shall be lawful for the Commissioners of Excise to authorize and empower such Person to continue to carry on the Business of a Manufacturer of Tobacco without being subject to the said Penalty for or by reason of having such of the said Commodities as are usually sold by Grocers in his Custody or Possession, so as his Premises for manufacturing Tobacco be separated, to the Satisfaction of the Commissioners of Excise, from, and all internal Communication prevented with, his Premises used for carrying on his Business of a Grocer, and so that such Commodities shall be in his Custody or Possession only on his Grocery Premises, and for the Purposes of his Trade or Business as a Grocer, and shall not be found or discovered in his Premises entered or used for the Manufacture of Tobacco or Snuff.

Officers of Excise may take Samples of Tobacco or Snuff.

VII. And be it enacted, That it shall be lawful for any Officer of Excise, at any Time that he shall see fit, to take a Sample or Samples of any Tobacco or Snuff unmanufactured, or in process of Manufacture, or manufactured, in the Stock or Possession of any Manufacturer of, Dealer in, or Retailer of Tobacco, paying for the same, if demanded, at the current wholesale Price of such Tobacco or Snuff.

No Person to cut, colour, or manufacture, or have in his Possession, any Leaves or other Matters to imitate or to be mixed with Tobacco or Snuff.

Penalty.

VIII. And be it enacted, That every Person who shall cut, grind, pound, colour, stain, dye, or manufacture any Leaves, or any Herb or Plant, Moss or Weed, or any Wood, Chicory, Commings or Roots of Malt, or any other vegetable or other Matter or Material to imitate or resemble Tobacco or Snuff, or who shall prepare any of the said Articles, Matters, or Materials to be mixed with or to be added to Tobacco or Snuff, or who shall have in his Custody or Possession any Leaves, or any Herb, Plant, Moss, or Weed, or any ground or powdered Wood, Chicory, Commings or Roots of Malt, or any other vegetable or other Matter or Material, cut, ground, pounded, coloured, stained, dyed, or manufactured to imitate or resemble Tobacco or Snuff, or prepared for the Purpose of being mixed with or added to Tobacco or Snuff, or intended to be so cut, ground, pounded, coloured, stained, dyed, or manufactured or prepared, or who shall sell, dispose of, or deliver to any Manufacturer of Tobacco any Leaves, Herbs, Plants, Moss, or Weeds, ground or powdered Wood, Chicory, Commings or Roots of Malt, or other vegetable or other Matter, or any Preparation or Mixture thereof, or any Syrup, Liquid, or Preparation to be used in the Manufacture of Tobacco or Snuff, or to be added to or mixed therewith, shall forfeit Two hundred Pounds; and all such Leaves, Herbs, Plants, Moss, or Weed, ground or powdered Wood, Chicory, Commings or Roots of Malt, and other vegetable or other Matter or Preparation, or Mixture thereof, Syrup, Liquid, or Preparation, together with all Machines, Tools, Materials, Vessels, and Utensils for cutting, grinding, pounding, colouring, staining, dyeing, manufacturing, or preparing the same, shall be forfeited.

3 & 4 Vict. c. 18. s. 7. repealed.

IX. And be it enacted, That so much of the said recited Act as enacts “ that no Tobacco Stalks or Returns of Tobacco shall be removed from any Place in or Part of the United Kingdom to any other Place or Part thereof in any Quantity less than Fifty Pounds Weight, nor unless the Package containing the

the same shall have firmly and securely pasted or glued thereon a Certificate, clearly written or printed, and signed by the Manufacturer by whom the same shall be sent out, or his Foreman or chief Workman on his Behalf, setting forth the Name of such licensed Manufacturer, and the entered Premises from which such Tobacco Stalks or Returns of Tobacco shall be sent out, the Weight of the same, the Day, Month, and Year on which the same shall be sent out, and the Name and entered Premises of the licensed Manufacturer to whom the same are to be delivered; and every Manufacturer of Tobacco who shall send out, deliver, or remove or receive any Tobacco or Returns of Tobacco in any less Quantity than aforesaid, or not contained in a Package having such Certificate as aforesaid firmly pasted or glued thereon, or who shall make out or use any false Certificate, shall forfeit One hundred Pounds; and all Tobacco Stalks or Returns of Tobacco which shall be sent out, delivered, or received, or be found removing, in any less Quantity than as aforesaid, or without such Certificate as aforesaid, shall be forfeited; and the Person removing or who shall have removed the same shall forfeit Fifty Pounds," shall be and the same is hereby repealed, save and except as to any Offence committed or any Penalty or Forfeiture incurred before the passing of this Act.

Tobacco Stalks not to be removed in less Quantities than Fifty Pounds, nor without a Certificate.

X. And be it enacted, That no Tobacco Stalks or Returns of Tobacco shall be removed from any Place in or Part of the United Kingdom to any other Place or Part thereof in any Quantity less than Fifty Pounds Weight, nor unless the Package containing the same shall have firmly and securely pasted or glued thereon a Certificate clearly written or printed, and signed by the Manufacturer by whom the same shall be sent out, or his Foreman or chief Workman on his Behalf, setting forth the Name of such licensed Manufacturer, and the entered Premises from which such Tobacco Stalks or Returns of Tobacco shall be sent out, the Weight of the same, the Day on and the Month and Year in which the same shall be sent out, and the Name and entered Premises of the licensed Manufacturer to whom the same are to be delivered; and every Manufacturer of Tobacco who shall send out, deliver, or remove or receive any Tobacco Stalks or Returns of Tobacco in any less Quantity than aforesaid, or not contained in a Package having such Certificate as aforesaid firmly pasted or glued thereon, or who shall make out or use any false Certificate, shall forfeit Two hundred Pounds; and all Tobacco Stalks or Returns of Tobacco which shall be sent out, delivered, or received or be found removing in any less Quantity than as aforesaid, or without such Certificate as aforesaid, shall be forfeited, and the Person removing or who shall have removed the same shall forfeit Fifty Pounds.

Penalty.

3&4 Vict. c. 18. s. 11. repealed.

XI. And be it enacted, That so much of the said recited Act as enacts "that no Person whatsoever shall cut, colour, stain, or manufacture any Leaves of Trees, Herb, or Plant whatsoever (not being Tobacco Leaves or Plants) into the Form of or to imitate or resemble Tobacco unmanufactured or manufactured, or shall mix with or add to any Tobacco any Leaves of Trees, Herb, or Plant, not being Tobacco Leaves or Plants, or shall sell, vend, utter, or expose for Sale, or have in his Custody or Possession, any Leaves of Trees, Herb, or Plant cut, coloured, stained, or manufactured, or to be cut, coloured, stained, or manufactured into the Form or in imitation of or to resemble Tobacco, on pain of forfeiting One hundred Pounds, with all such Leaves, Herbs, or Plants, which may be seized by any Officer of Excise or Customs," shall be and the same is hereby repealed, save and except as to any Offence committed or any Penalty or Forfeiture incurred before the passing of this Act.

3&4 Vict. c. 18. s. 12. repealed.

XII. And be it enacted, That so much of the said recited Act as enacts "that no Person or Persons whatsoever shall hawk or sell or offer for Sale any Tobacco or Snuff of any Description in or about the Streets or Highways or other Places, or in any other Manner or Place whatsoever, except in the entered Premises of a licensed Manufacturer or Dealer in or Retailer of Tobacco or Snuff, on pain of forfeiting all such Tobacco or Snuff, and One hundred Pounds; and it shall be lawful for any Officer of Excise or Customs to arrest and detain any Person who shall hawk or sell or offer for Sale in manner aforesaid any Tobacco or Snuff, and to convey such Person before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person shall be arrested and detained; and the Justice or Justices before whom such Person shall be conveyed shall have full Authority and he and they is and are hereby required forthwith to hear and determine what shall be then and there alleged against such Person, and on Confession of the Party, or by Proof on Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person so offending as aforesaid; and the Person so convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount, not being less than One Fourth Part thereof; and if any Person so convicted shall not forthwith pay down the said Penalty or Amount, the said Justice or Justices shall and he and they is and are hereby authorized and required, by Warrant under his or their Hand, to commit the Person so convicted to any Gaol or Prison of the County, there to be kept to hard Labour for Three Calendar Months: Provided always, that nothing herein-before contained shall extend to make liable to the said Penalty any Servant or Person duly employed by any licensed Manufacturer of or Dealer in Tobacco or Snuff to travel for Orders, and producing Samples, in the due and ordinary Course of Business," shall be and the same is hereby repealed, save and except as to any Offence committed or Forfeiture or Penalty incurred before the passing of this Act.

No Person to hawk about Tobacco or Snuff for Sale under a Penalty, and Officers may arrest

XIII. And be it enacted, That no Person or Persons shall hawk or sell or offer for Sale any Tobacco or Snuff of any Description in any House or Premises, or in or about the Streets or Highways or other Places, or in any other Manner or Place whatsoever, except as a licensed Manufacturer of or Dealer in or Retailer of Tobacco in his entered Premises, on pain of forfeiting all Tobacco and Snuff in his Possession, and One hundred Pounds; and it shall be lawful for any Officer of Excise or Customs to arrest and detain

Offenders, and convey them before a Justice of the Peace, who shall forthwith hear the Case, and inflict or mitigate the Penalty.

detain any Person who shall hawk or sell or offer for Sale any Tobacco or Snuff in any House or Premises, or in or about the Streets or Highways or other Places, or in any other Manner than as aforesaid, and to convey such Person before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person shall be arrested and detained; and the Justice or Justices before whom such Person shall be conveyed shall have full Authority and he and they is and are hereby required forthwith to hear and determine what shall be then and there alleged against such Person, and on Confession of the Party, or by Proof on Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person so offending as aforesaid; and the Person so convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount, not being less than One Fourth Part thereof; and if any Person so convicted shall not forthwith pay down the said Penalty or Amount, the said Justice or Justices shall and he and they is and are hereby authorized and required, by Warrant under his or their Hand, to commit the Person so convicted to any Gaol or Prison of the County, there to be kept to hard Labour for Three Calendar Months: Provided always, that nothing herein-before contained shall extend to make liable to the said Penalty any Servant or Person duly employed by any licensed Manufacturer of or Dealer in Tobacco or Snuff to travel for Orders, and producing Samples, in the due and ordinary Course of Business.

Proviso.

Interpretation of Terms.

XIV. And be it enacted, That in the said recited Act and this Act the Words "Manufacturer of, Dealer in, and Retailer of Tobacco" shall include Manufacturers of, Dealers in, and Retailers of Snuff and Snuff Millers; and the Word "Tobacco" shall include Tobacco Stalks, Tobacco Flour, Returns of Tobacco, and Segars, and Tobacco of every Description; and "Snuff" shall include all Snuff Work and Snuffs of every Description, except where in Terms or by the Context a more limited Construction shall appear to be intended.

Commencement of this Act.

XV. And be it enacted, That this Act shall commence and take effect on the Tenth Day of *August* One thousand eight hundred and forty-two: Provided always, that the Penalty and Forfeiture herein-before imposed upon Manufacturers of, Dealers in, and Retailers of Tobacco, for receiving or having in possession, or selling, sending out, or delivering, Tobacco or Snuff which shall have been manufactured with, or which shall have had added thereto or mixed therewith, or in which shall be found, any other Material than Water only, or Water and Salt, Alkaline Salt, or Lime Water, shall not be enforced in respect of any Tobacco until after the First Day of *November* One thousand eight hundred and forty-two; nor until after the Tenth Day of *August* One thousand eight hundred and forty-three shall the said Penalty or Forfeiture be enforced in respect of any Snuff or Snuff Work which shall have been manufactured or be in the Course of Manufacture before or at the passing of this Act, or which shall be made from Returns of any Tobacco manufactured before the passing of this Act; but nevertheless, in every Case in which any Question shall arise whether any Snuff or Snuff Work was so manufactured or in course of Manufacture, the Proof of the same having been manufactured or in course of Manufacture before or at the passing of this Act, or having been made from Returns of Tobacco manufactured before the passing of this Act, shall lie on the Manufacturer, Dealer, or Retailer in whose Possession such Snuff or Snuff Work shall be found.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCIV.

An Act to consolidate and amend the Laws relating to the Services of the Ordnance Department, and the vesting and Purchase of Lands and Hereditaments for those Services, and for the Defence and Security of the Realm. [10th *August* 1842.]

44 G. 3. c. 95.

1 & 2 G. 4. c. 69.

3 G. 4. c. 108.

2 & 3 W. 4. c. 25.

'WHEREAS by an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend certain of the Provisions of an Act made in the Forty-third Year of His present Majesty, to enable His Majesty to provide for the Defence and Security of the Realm, which respect the Purchase of Lands and Hereditaments for the public Service:* And whereas by an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for vesting all Estates and Property occupied for the Ordnance Service in the principal Officers of the Ordnance, and for granting certain Powers to the said principal Officers:* And whereas by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for vesting all Estates and Property occupied for the Barrack Service in any Part of the United Kingdom in the principal Officers of His Majesty's Ordnance, and for granting certain Powers to the said principal Officers in relation thereto:* And whereas by an Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to extend and render more effectual Two Acts, of the First and Second and Third Years of His late Majesty King* George *the Fourth, respecting the Estates thereby vested in the principal Officers of the Ordnance, and to facilitate the public Business in the Ordnance Department,* various Provisions have been heretofore made for the Purchase of Lands and Hereditaments for the public Service, and for the Defence and Security of the Realm, and for vesting all Estates and Property purchased, taken, used, or occupied for the Ordnance and Barrack Service throughout the United Kingdom in the principal Officers of the Ordnance, and for granting certain Powers to the said principal Officers in relation thereto, and for facilitating the Despatch of the public Business in the Ordnance Department: And whereas it will be expedient to consolidate and embody in

'One

'One Act the Powers and Provisions of the said several Acts, and to amend and enlarge the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the herein-before mentioned Acts shall be and the same are hereby repealed. The above-recited Acts repealed.

II. And be it enacted, That all other Acts heretofore passed relating to Lands, Hereditaments, or other Property purchased, taken, held, used, or occupied for the Defence and Security of the Realm, or relating to the Barrack or the Ordnance Department throughout the United Kingdom, so far as the same are inconsistent with or repugnant to the Powers and Provisions of this Act, but not further or otherwise, shall be and the same are hereby repealed. All Acts, as to Defence of the Realm, and the Ordnance, repealed.

III. Provided nevertheless, and be it enacted, That the Repeal of the said several Acts hereby repealed shall not operate to revive any Act thereby repealed, nor shall the same annul or prejudice any Sale, Purchase, Composition, Grant, Lease, Enfranchisement, Exchange, Contract, Agreement, Bond, Mortgage, Security, Indemnity, Exoneration, Compensation, Charge, Responsibility, or other Act, Matter, or Thing which at the Time of passing this Act shall have been made, done, given, effected, or created, or which shall have been confirmed by or under and by virtue of such Acts, or any or either of them, but the same shall remain as good, valid, and effectual, and all the Provisions in the said Acts respectively contained for the Benefit or Security, either of Her Majesty, Her Heirs or Successors, or of any of the Parties to or with whom or in whose Favour any such Sale, Composition, Grant, Lease, Enfranchisement, Exchange, Contract, Agreement, Bond, Mortgage, Security, Indemnity, Exoneration, Compensation, Confirmation, Charge, Responsibility, or other Act, Matter, or Thing shall have been made, done, given, effected, created, or confirmed, or with whom any other Transaction shall have taken place under the Provisions of the said Acts respectively, shall, so far as regards Her Majesty, Her Heirs and Successors, and such Parties respectively, and all Parties claiming under Her or them, remain and be of as full force and virtue as if the said Acts had not been hereby in any Manner repealed; and in case any Contract shall have been entered into or any Proceeding instituted before the Commencement of this present Act, under and by virtue of the said Acts or any of them, which shall not have been fully performed or completed, the same shall be proceeded with, performed, and completed under the Provisions of the said Acts in the same Manner as if the same had not been hereby repealed, unless the said principal Officers shall think it more expedient to proceed with, perform, and complete the same under the Provisions of this Act, and in that Case the same shall and may be proceeded with, performed, and completed under the Provisions of this Act. Repeal of the said Acts not to revive any Act repealed, or prejudice any Sale, Contract, &c.

IV. Provided also, and be it enacted, That the Repeal of the said Acts shall not extend or operate to exempt any Person or Persons from any Penalty or Punishment or other legal Consequences imposed by such Acts, or any or either of them, otherwise or attaching in respect of any Crime, Offence, or other Matter or Thing committed or done previously to the passing of this Act, but that such Punishment or Penalty shall and may be inflicted in the same Manner as if the Act or Acts by which the same are imposed had not been hereby in any Manner repealed. Not to exempt from Punishment Offences committed previously to the passing hereof.

V. And be it enacted, That immediately from and after the passing of this Act all Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, save and except as herein-after is mentioned, which have been heretofore set apart for the Use and Service or placed under the Charge of the Ordnance or late Barrack Department, or which have been heretofore set apart for or placed under the Charge of any Person or Persons acting under the Authority of or in Trust for Her Majesty or of Her Royal Predecessors, for the Use and Service of the said Departments, or for Military Defences, or which have been heretofore held, used, or occupied, or purchased, vested, or taken by or in the Name of or by any Person or Persons in Trust for Her Majesty or Her Royal Predecessors, or Her or Their Heirs or Successors, for the Use and Service of the said Departments, or for the Defence and Security of the Realm, either in Fee or for any Life or Lives, or otherwise howsoever, and all Erections and Buildings which now are or which shall or may hereafter be erected and built thereon, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall be and become and continue vested in the principal Officers of Her Majesty's Ordnance for the Time being, and their Successors in the said Office, according to the Nature and Quality of and the respective Estates and Interests in such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, in Trust for Her Majesty, Her Heirs and Successors, for the Service of the said Ordnance Department, or for such other public Service or Services as Her said Majesty, Her Heirs or Successors, shall from Time to Time by any Order in Council be pleased to direct. Lands, &c. purchased for the Service of the Ordnance, and all Buildings, &c. thereon, vested in the principal Officers.

VI. And be it enacted, That from and after the setting apart or placing under Charge, or Purchase, and Conveyance, Grant, or Demise thereof, all other Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, which shall at any Time or Times hereafter be set apart for the Use and Service or placed under the Charge of the Ordnance or late Barrack Department, or which shall be hereafter set apart for or placed under the Charge of any Person or Persons acting under the Authority of or in Trust for Her Majesty or Her Royal Predecessors, for the Use and Service of the said Departments, or for Military Defences, or which shall be hereafter held, used, or occupied, or purchased, vested, or taken by or in the Name of or by any Person or Persons in Trust for Her Majesty or Her Royal Predecessors, or Her or Their Heirs or Successors, for the Use and Service of the said Departments, or for the Defence and Security of the Realm; and all Erections and Buildings which Lands to be hereafter taken, &c. to be vested in the same Manner.

which shall then or which may thereafter be erected and built thereon, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the principal Officers of Her Majesty's Ordnance for the Time being, and their Successors in the said Office, according to the Nature and Quality of and the respective Estates and Interests in such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, in Trust for Her Majesty, Her Heirs and Successors, for the Service of the said Ordnance Department, or for such other public Service or Services as Her said Majesty, Her Heirs or Successors, shall from Time to Time, by any Order in Council, be pleased to direct.

Terms assigned to attend the Inheritance of Lands, &c. holden for the Ordnance to remain in same Trustees on same Terms.

VII. Provided nevertheless, and be it enacted, That any Term or Terms of Years which shall have been or may be assigned to attend the Inheritance in any of the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, Hereditaments, and Premises, which shall be or become vested by virtue of this Act in the said principal Officers or their Successors, shall remain and be vested in the Trustee or Trustees, his, her, or their Executors, Administrators, or Assigns, to whom the same have been or shall be respectively assigned, and that it shall be lawful for the said principal Officers for the Time being to convey, surrender, or assign all or any of the Hereditaments and Premises which now are or hereafter shall be vested in them, and to direct all or any of the Hereditaments and Premises which shall hereafter be agreed to be purchased or taken by them to be conveyed, surrendered, or assigned to a Trustee or Trustees, for the Use of the Ordnance Department, or the Defence of the Realm, upon the Trusts to which the same shall or ought to be subject, in case from any Circumstance whatsoever it shall in the Judgment of the said principal Officers for the Time being be expedient so to do, any thing herein or in the said recited Acts contained to the contrary notwithstanding.

On the Death of any Person now holding Copyholds, &c. for the Ordnance, the Secretary to be admitted on Payment of Customary Fines, &c.

VIII. Provided always, and be it enacted, That when and as the Person, or in those Cases where there shall be more than One the Survivor of the Persons, in whom any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, of Copyhold, Customary, or Ancient Demesne Tenure, heretofore purchased or taken as aforesaid, are now respectively vested, shall die, and when any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, of any such Tenure, shall hereafter be purchased or taken as aforesaid, the Secretary for the Time being of the said principal Officers, or any other Officer of the Ordnance Department, or other Person whom the said Principal Officers, or any Two or more of them, shall from Time to Time appoint, shall be admitted to such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, except that in the Case of any Mortgage or Security such Admittance shall be at the Option of the said principal Officers; and that on the Death of any Person filling or who shall have filled the Office of such Secretary, or the Office of such Officer as shall be so appointed, and who shall have been admitted, or of the Person who shall have been admitted to any such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, the Secretary for the Time being of the said principal Officers who shall succeed or then be in Office, or any other Officer of the Ordnance Department, or other Person who shall be from Time to Time appointed as aforesaid, (as the Case may be,) shall be admitted to such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments; and that on the respective Deaths of the Person or Persons in whom the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, herein-before in that Behalf mentioned, are now vested, and on whose Death or Deaths a Heriot, Fine, or any other Sum or Due would be due or payable, and on the Death of the Secretary or other Officer or other Person who shall be admitted as aforesaid, the Lords and Ladies of the Manor of which the said Premises are respectively holden, and their Stewards, shall be entitled (in case no Alienation shall have previously taken place) to such Heriots, Fines, and Fees, and Sums of Money and other Dues, as shall be due and payable and of Right accustomed upon the Death of a Tenant and the Admission of a new Tenant, and as they would have been entitled to in case this Act had not been passed; but nevertheless that such Person or Persons shall only continue Tenant or Tenants, and such Secretary or Officer or other Person as aforesaid shall only be admitted for the Purpose of ascertaining and preserving to the Lord or Lady of the Manor the Right of Escheat and all other Rights, and for the Purpose of performing such Services (if any) as ought to be performed, and of determining when the Heriots, Fines, Fees, and Sums of Money and Dues, due or payable on the Death of a Tenant and the Admission of a new Tenant, shall become due and payable; and the said Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Lands, Tenements, or Hereditaments, as regards the legal Estate, and for all Purposes of Alienation, and all other Purposes, save as aforesaid, shall be and become and continue vested in the said principal Officers and their Successors for the Time being.

Principal Officers may purchase Lands, &c., and take Leases, on behalf of the Crown.

IX. And be it enacted, That it shall be lawful for the said principal Officers for the Time being of Her Majesty's Ordnance from Time to Time to contract for and purchase, for and on behalf of Her Majesty, Her Heirs or Successors, any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, or to take or purchase any Lease of the same which shall in their Judgment be desirable to be purchased, for and on behalf of the said Ordnance or Barrack Services, or the Defence of the Realm, upon such Terms as to the said principal Officers shall seem meet, and to enter into any Contracts necessary for that Purpose; and all such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, so to be purchased, shall be conveyed or surrendered to the said principal Officers, in Trust for Her Majesty, Her Heirs and Successors.

X. And

Power given to Bodies Politic and others to treat.

X. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of or Persons interested in any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, which have been or may be hereafter agreed to be purchased or taken for the Use of the said Ordnance Department, as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract or agree with the said principal Officers for the Time being, either for the absolute Sale or Exchange of any such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, or Sale of any Reversion after any Estate or Estates for Lives or Years, or for the Grant of any Lease either for Life or Lives, or for any Term of Years certain, therein, or for such Period as the Exigency of the public Service shall require, and to convey, surrender, demise, or grant the same accordingly; and all Contracts, Sales, Conveyances, Enfranchisements, Surrenders, Leases, and Agreements which shall be made in pursuance hereof shall be valid and effectual in Law to all Intents and Purposes whatsoever, and shall be a complete Bar to all Dower and Claims of Dower, Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

In case of Death or Removal, Lands, &c. shall vest in the Successors of such principal Officers.

XI. And be it enacted, That upon the Death, Resignation, or Removal of the present principal Officers of the Ordnance, or of any of them, or of any future principal Officers or principal Officer, all such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments respectively, shall become vested in and be held by the succeeding principal Officers according to the respective Nature and Quality of the said Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust as aforesaid.

Lands, &c. may be sold, exchanged, or let.

XII. And be it enacted, That, save and except as herein-after is mentioned, it shall and may be lawful for the said principal Officers for the Time being to sell, exchange, or in any Manner dispose of, or to let or demise, any of the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments respectively, which shall be vested in them under and by virtue of this present Act, with their respective Appurtenances, either by public Auction or private Contract, and to convey, surrender, assign, or make over, or to grant or demise the same respectively, (as the Case may require,) to any Person or Persons who shall be willing to purchase or take the same, in Exchange or otherwise respectively, and also to do any other Act, Matter, or Thing in relation to any such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, which shall by the said principal Officers be deemed beneficial to the public Service, in relation thereto, or for the better Management thereof, which might be done by any Person having a like Interest in any such like Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments: Provided always, that nothing in this Act contained shall be construed to give to the said principal Officers of Her Majesty's Ordnance for the Time being a greater or better Estate in the said Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, or any of them, than was vested in Her Majesty, or in the Person or Persons holding the same in Trust for Her Majesty, at the Time of the passing of this Act.

Purchase Monies shall be paid to those whom the principal Officers may direct.

XIII. And be it enacted, That the Monies to arise and be produced by the Sale or Exchange of any of the said Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, which shall be so sold or exchanged under the Provisions of this present Act, shall be paid by the respective Purchaser or Purchasers thereof, or the Person or Persons making such Exchange, to such Person or Persons as the said principal Officers for the Time being shall direct or appoint to receive the same, for the Use of Her Majesty, Her Heirs and Successors; and that the Receipt of the said principal Officers for such Monies (such Receipt to be endorsed on every such Conveyance, Surrender, or Assignment as aforesaid,) shall effectually discharge the Purchaser or Purchasers, or Person or Persons by whom or on whose Account the same shall be paid.

After Purchase Money paid, the Purchaser to have full Right and Possession.

XIV. And be it enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named, or the Person or Persons making such Exchange as aforesaid, shall be deemed and adjudged to stand seised and possessed of the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, which shall be so purchased or taken in Exchange by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, and notwithstanding any Defect in the Title of the said principal Officers thereto, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands whatsoever which can or may be had, made, or set up, in, to, out of, or upon or in respect of the same Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, by any Person or Persons whomsoever, on any Account whatever (save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands whatsoever as in any such Conveyance, Surrender, Deed of Exchange, or Assignment shall be excepted).

Compensation to be made where equitable Rights are established;

XV. Provided always, and be it enacted, That in case any Person or Persons shall have any just and legal or equitable Right to any of the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, which shall be so sold, exchanged, and conveyed as aforesaid, or to any Part or Parts thereof, or to any Charge, Incumbrance, or Demand affecting the same,

same, and not being under any of the Disabilities herein-after mentioned, and shall, within Five Years next after such Right shall by Law or Equity accrue to or become vested in him, her, or them respectively, or, being Femes Covert (except Femes Covert whose Estates have been or may be sold under the Authority of this or any other Act for that Purpose), Persons within the Age of Twenty-one Years, or out of the Realm, or not of whole Mind, at the Time of such Sale, Exchange, and Conveyance as aforesaid, shall, within Five Years next after they shall respectively come and be discovert, at their full Age of Twenty-one Years, out of Prison, within this Land, or of whole Mind, make out and establish such Right or Claim to the Satisfaction of the said principal Officers, then and in such Case the said principal Officers shall make or cause to be made a fair and reasonable Compensation or Satisfaction for every such Right and Claim so made out and established as aforesaid; but such Compensation or Satisfaction shall not in any Case exceed the Amount of the Purchase Money or Purchase Monies which shall have been paid to and received by the said principal Officers for the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, in respect whereof such Right or Claim shall be so made out as aforesaid, or a proportional Part thereof, exclusive of the Value of any Buildings or Improvements which shall have been erected or made thereon for the Use of the said Ordnance or Barrack Departments, or for the Defence of the Realm.

but not to exceed the Purchase Money received by such principal Officers.

Principal Officers may authorize Persons to survey and mark out Lands, and treat with Owners for Purchase thereof.

XVI. And be it enacted, That it shall be lawful for the principal Officers of Her Majesty's Ordnance for the Time being to enter on, survey, and mark out, or to cause to be surveyed and marked out, any Lands, Buildings, or other Hereditaments or Easements wanted for the Service of the Ordnance Department, or for the Defence of the Realm, or to stop up or divert any public or private Footpaths or Bridle-roads, and to treat and agree with the Owner or Owners of such Lands, Buildings, Hereditaments, or Easements, or with any Person or Persons interested therein, either for the absolute Purchase thereof, or for the Possession or Use thereof during such Time as the Exigence of the public Service shall require.

Paths to be made in place of Footpaths stopped up.

XVII. Provided always, and be it enacted, That whenever any Footpath or Bridle-road shall be stopped up as aforesaid, another Path or Road shall be provided and made in lieu thereof respectively, at the Expence of the Ordnance Department, and at such convenient Distance therefrom as to the principal Officers of Her Majesty's Ordnance for the Time being shall seem proper and necessary.

Bodies Politic may agree for the Sale of Lands, &c.

XVIII. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of or Persons interested in any such Lands, Buildings, or other Hereditaments so surveyed and marked out as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with such principal Officers, either for the absolute Sale of such Lands, Buildings, or other Hereditaments, or for the Grant of any Lease, either for any Term of Years certain therein, or for such Period as the Exigence of the public Service shall require, and to convey, surrender, demise, or grant the same to such principal Officers, in Trust for Her Majesty, Her Heirs and Successors, accordingly; and all such Contracts, Sales, Conveyances, Surrenders, Leases, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever.

In default of treating, or where the Parties do not agree, the Persons authorized by Her Majesty may require Two Justices, &c. to put Her Majesty's Officers in possession.

XIX. And be it enacted, That in case any such Bodies or other Persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other Person or Persons interested in any such Lands, Buildings, or other Hereditaments which shall be so marked out and surveyed as aforesaid, shall for the Space of Fourteen Days next after Notice in Writing subscribed by or on behalf of the said principal Officers shall have been given to the Chief Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on behalf of others, or interested themselves, as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing with the said principal Officers, or shall refuse to accept such Sum of Money as shall be offered by the said principal Officers as the Consideration for the absolute Purchase of such Lands, Buildings, or other Hereditaments, or such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Exigence of the public Service may require, then and in such Case it shall be lawful for the said principal Officers to require Two or more Justices of the Peace, or Three or more Deputy Lieutenants (One of whom shall be a Justice of the Peace), or Two or more Deputy Governors for the County, Riding, Stewartry, City, or Place where such Lands, Buildings, or other Hereditaments shall be, to put the said principal Officers, or any Person appointed by them, into immediate Possession of such Lands, Buildings, or other Hereditaments, which such Justices or Deputy Lieutenants or Deputy Governors are hereby required to do, and shall for that Purpose issue their Warrants under their Hands and Seals, commanding Possession to be so delivered, and shall also issue their Warrants to the Sheriff of the County, Riding, Stewartry, City, or Place wherein such Lands, Buildings, or Hereditaments shall be situate, to summon a Jury; and every such Sheriff is hereby authorized and required to summon and return a Jury, properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland* respectively, who shall meet at some convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn, in such Manner as Juries for the Trial of Issues joined in Her Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* and *Ireland* respectively, and in such Manner as Juries are drawn by Law for any Trial in *Scotland*; and in case a sufficient Number shall not appear, the said Sheriff shall choose others of the By-standers, or

Jury to be summoned to value the Premises.

that

that can speedily be procured, being qualified as aforesaid; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Governors respectively may summon Witnesses, and adjourn any such Meeting if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid, either for the absolute Purchase of such Lands, Buildings, or other Hereditaments, or for the Possession or Use thereof, as the Case may be: Provided always, that it shall not be lawful for the said principal Officers to use any Lands, Buildings, or Hereditaments taken under the compulsory Process aforesaid for the Barrack Service, or to erect any Barrack Buildings thereon.

Appeal may be made to the Court of Exchequer, &c. if either Party is dissatisfied with the Verdict of the Jury.

XX. Provided always, and be it enacted, That if the said principal Officers or any Person interested in the Lands, Buildings, or other Hereditaments so marked out and surveyed, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them, or their Attornies in *England* and *Ireland*, to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the Term next, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict to the Court of Session in *Scotland* in Time of Session, or Lord Ordinary on the Bills in Time of Vacation, and to suggest to the said Courts or Lord Ordinary respectively that they have Reason to be dissatisfied with such Verdict, and forthwith give Notice thereof to the said principal Officers on the one Part, or to the Party so interested as aforesaid on the other Part (as the Case may be); and thereupon, in *England* and *Ireland*, the Proceedings that shall have been had and the Verdict of such Jury shall be returned into the said Courts of Exchequer respectively, and if it shall appear to the said Courts to be proper, such Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon, by Rule of such Court, or Order of any Judge of such Court, be directed to the Sheriff of the County where such Lands, Buildings, or other Hereditaments shall lie, or, if the same shall lie in Two Counties, to the Sheriff of either of such Counties, to summon either a Common or Special Jury, according to the Application that shall have been made in that Behalf, and as the Court and as such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice or Justices of Assize or Nisi Prius of that County at the next Assizes or Sittings of Nisi Prius, if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings, and the Compensation to be paid either for the absolute Purchase or for the Possession or Use of such Lands, Buildings, or other Hereditaments (as the Case shall be) shall at such Assizes or Sittings be ascertained by such Jury, in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius, and the Verdict of such Jury shall be returned to the said Court of Exchequer, and shall be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such Application, so to do, the said Court or Lord Ordinary shall order and direct the Sheriff of the County where such Lands, Buildings, or other Hereditaments shall lie, or if the same shall lie in Two Counties, to the Sheriff of either of such Counties, to summon another Jury in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit, if the same shall not happen sooner than Twenty-one Days after such Application, otherwise at the next succeeding Circuit, and the Compensation as aforesaid for the Lands, Buildings, or other Hereditaments (as the Case shall be) shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid in such Manner as Juries are drawn in *Scotland*, under the Direction of the said Lords or Lord of Justiciary aforesaid, and the Verdict of such last-mentioned Jury shall be final and conclusive, without being subject to Review or Challenge of any Kind: Provided always, that it shall be lawful for the Court that shall have allowed such Inquiry, on any Application made within Four Days after the Commencement of the succeeding Term, or Session if in *Scotland*, to order any new Trial in relation thereto.

Jury may ascertain the Proportion to be paid out of Compensation for Land to Lessees, &c.

XXI. Provided always, and be it enacted, That it shall be lawful for any Jury impannelled before any Justice of the Peace or Magistrate, or Deputy Lieutenant or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands, Buildings, or other Hereditaments under this Act, and they are hereby required to ascertain and settle the Proportion to be paid out of such Compensation to any Persons having any Interest as Lessees or Tenants at Will, or otherwise, in any such Lands, Buildings, or other Hereditaments, and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Inquiry before any Judge of Assize or Nisi Prius shall be had on the Application of any such Lessee or Tenant at Will, or other Person having any inferior Interest in any such Lands, Buildings, or other Hereditaments, who may have been dissatisfied with the Proportion of Compensation settled by the Jury to be paid in respect of such Interest, it shall not be lawful for the Jury in any such Case to alter the Amount of the entire Compensation awarded by any former Verdict to be paid for such Lands, Buildings, or other Hereditaments, but only the Proportion thereof to be paid to the Person or Persons having separate Interests therein; and it shall not be lawful for any Jury on any such Inquiry as aforesaid had before any Judge of Assize or Nisi Prius, as to any such Compensation, on the Application of any such Officer as aforesaid, in any Case in which the whole Compensation awarded by them shall be the same as the whole Compensation awarded by the former Jury, to alter the Proportion that shall have been settled by any such former Jury, as to any separate Interest in any such Lands, Buildings, or other Hereditaments.

Court to require the Party to give Security for Costs.

XXII. Provided also, and be it enacted, That it shall be lawful for the Court or Judge or Lord Ordinary making any such Rule or Order to require that the Party on whose Application the same shall be made shall give such Security as shall to such Court, Judge, or Lord Ordinary seem proper, for Payment of Costs, under such Circumstances as shall be specified in any Rule or Order made for that Purpose.

Lands not to be taken for the Defence of the Realm without Consent of the Owners, unless in certain Cases.

XXIII. Provided always, and be it enacted, That no such Lands, Buildings, or other Hereditaments shall be so taken without the Consent of the Owner or Owners thereof, or of any such Person or Persons as aforesaid, acting for or on the Behalf of the Owner or Owners thereof, unless the Necessity or Expediency of taking the same shall be first certified by the Lord Lieutenant, or Two of the Deputy Lieutenants, or by the Governor or Two Deputy Governors of the County, Riding, Stewartry, City, or Place in which such Lands, Buildings, or other Hereditaments lie, and unless the taking of such Lands, Buildings, or other Hereditaments be authorized by a Warrant under the Hand or Hands of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, or any Three or more of them, or unless the Enemy shall have actually invaded the United Kingdom at the Time when such Lands, Buildings, or other Hereditaments shall be so taken.

Erections on Lands taken for a temporary Purpose to be removed before the Lands are restored to the Owner, and Compensation shall be made for the Injury done.

XXIV. And be it enacted, That in all Cases where any Lands, Buildings, or other Hereditaments shall have been taken under the Provisions of the said recited Act of the Forty-fourth Year of the Reign of His Majesty King *George* the Third, or shall be taken under the Provisions of this Act, for any Term of Years, or for such Period only as the Exigencies of the public Service shall require, it shall be lawful for the said principal Officers, notwithstanding any thing herein-before contained, or any other Law to the contrary thereof notwithstanding, at any Time before the Possession thereof shall be delivered up to the Owner or Owners thereof, or other Person or Persons acting on his, her, or their Behalf, to take down and remove all such Buildings or other Erections which shall or may have been built or erected thereon for the public Service, after the same was or were so taken as aforesaid, and to carry away the Materials thereof, making such Compensation to the Owner or Owners of such Lands, Buildings, or other Hereditaments, or other Person or Persons acting on his, her, or their Behalf, for the Damage or Injury which may have been done thereto or to the Soil thereof, by the Erection of any such Buildings, or otherwise, in consequence of the same having been occupied for the public Service, as the said principal Officers shall think reasonable, and as shall be agreed upon in that Behalf; and if such Owner or Owners, or other Person or Persons acting on his, her, or their Behalf, shall not be willing to accept the Compensation so offered, it shall be lawful for the said principal Officers to apply to and require Two Justices of the Peace of the County, Riding, Stewartry, City, or Place to settle and ascertain the Compensation which ought to be made for such Damage or Injury as aforesaid, and such Justices shall settle and ascertain the same accordingly, and shall grant a Certificate thereof; and the Amount of such Compensation, so settled and ascertained and certified, shall forthwith be paid by the Treasurer, Accountant, or other proper Officer for the Time being of the Office or Department for the Use of which such Lands, Buildings, or other Hereditaments shall have been taken, to the Person or Persons entitled thereto: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter, prejudice, or affect any Agreement which hath been or shall or may be entered into by the said principal Officers with any Owner or Owners of any such Lands, Buildings, or other Hereditaments, or other Person or Persons acting on his, her, or their Behalf, in relation to any such Buildings or Erections, but every such Agreement shall remain valid and effectual in like Manner as if this Act had not been passed.

In case of Disagreement, how Compensation shall be settled.

Act not to affect any Agreement between the Parties.

Purchase Money payable to Bodies Politic, &c., how to be invested.

XXV. And be it enacted, That where any Money shall have been or shall be agreed, or shall have been or shall be required by the Verdict of any Jury, to be paid or given by the said principal Officers, for the absolute Purchase or Exchange of any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Grounds, Tenements, or Hereditaments, or of any Reversion, as aforesaid, or of the Enfranchisement of any Copyhold or Purchase of any other Interest belonging to any such Body, or other Person or Persons under any Disability or Incapacity, or not having the absolute Interest therein, the said Money, if the same shall amount to or exceed the Sum of Two hundred Pounds, shall be paid into the Hands or in the Name of the Remembrancer or other proper Officer of Her Majesty's Court of Exchequer at *Westminster* or *Dublin*, or the Queen's Remembrancer or other proper Officer of the said Court at *Edinburgh*, respectively, for the Time being, for the Use and Benefit of the Owners and Proprietors of such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, and such Remembrancer, Queen's Remembrancer, or other proper Officer respectively is hereby authorized and required to receive or accept and to give a Discharge for the same, and upon the Acceptation or Receipt thereof to sign a Certificate to the Barons or Judges of the said Court of Exchequer under his Hand, purporting and signifying that such Money or other Consideration was received or accepted by and paid to him in pursuance of this Act, for the Use and Benefit of such Owners or Proprietors as shall be named in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Exchequer at *Westminster*, *Dublin*, or *Edinburgh* respectively, and a true Copy thereof, signed by the said Remembrancer, Queen's Remembrancer, or other proper Officer respectively of such Court, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and the said Remembrancer, Queen's Remembrancer, or other proper Officer respectively is hereby required, upon Receipt of any such Sum or Sums of Money as aforesaid, to pay the same into the Bank of *England*, or Bank of *Ireland*, or Bank of *Scotland*, or Royal Bank of *Scotland*, as the Case may require, and immediately upon the filing or depositing of such Certificate the said Messuages, Buildings, Castles,

Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, shall be and become vested in the said principal Officers of the Ordnance for the Time being, for the Service of the said Ordnance Department, or for the Defence of the Realm, in Trust for Her Majesty, Her Heirs and Successors.

Barons, &c. of Exchequer to make Order for the Investment of such Purchase Money.

XXVI. And be it enacted, That the Barons or Judges of Her Majesty's Court of Exchequer at *Westminster*, *Dublin*, or *Edinburgh*, of the Degree of the Coif, for the Time being, or any One or more of them, shall be and they or he are or is hereby authorized and empowered, in a summary Way, upon Motion or Petition for or on behalf of any Person or Persons interested in or entitled to the Benefit of the Money so paid to and received by the said Queen's Remembrancer or other proper Officer respectively, or the Interest or Produce thereof, and upon reading the Certificate directed to be signed by the said Remembrancer, Queen's Remembrancer, or other proper Officer respectively concerning the same as aforesaid, and receiving such further Satisfaction as they or he shall think necessary, to make and pronounce such Orders and Directions for paying the said Money or any Part of the same, or for placing out such Part thereof as shall be Principal in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Interest thereof, or any Part thereof, to the respective Persons entitled to receive the same, or for laying out the Principal or any Part thereof in the Purchase of other Lands or Hereditaments, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, or Purposes as the said Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, so purchased or taken, stood settled at the Time of the Payment of such Money as aforesaid, or as near thereto as the same can be done, or otherwise concerning the Disposition of the said Money or any Part thereof, and the Interest of the same, or any Part thereof, for the Benefit of the Person and Persons entitled to and interested in the same respectively, or for appointing any Person or Persons to be a Trustee or Trustees for all or any of such Purposes, as the said Court shall think just and reasonable.

Investment of Purchase Money when less than 200*l*.

XXVII. Provided always, and be it enacted, That in case such Purchase Money as is lastly hereinbefore mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messsuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Hands of the said Remembrancer, Queen's Remembrancer, or other public Officer respectively of the said Court of Exchequer, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said principal Officers, or any Three or more of them, such Nomination or Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money may be invested in the Purchase of Stock in the Public Funds, and that such Stock, when purchased, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Order, Direction, or Approbation of the said Court of Exchequer.

Investment of Purchase Money when less than 20*l*.

XXVIII. Provided always, and be it enacted, That in case such Purchase Money shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, so purchased, in such Manner as the said principal Officers, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, for the Use and Benefit of such Person or Persons entitled respectively.

Stock and Securities vested in Remembrancer, &c. shall, in case of Death or Removal, vest in the Successor.

XXIX. And be it enacted, That upon the Death or Removal of any such Remembrancer, Queen's Remembrancer, or other proper Officer respectively, all Stock and Securities vested in him by virtue of this Act shall vest in the succeeding Remembrancer, Queen's Remembrancer, or other proper Officer respectively, for the Purpose herein-before mentioned, without any Assignment or Transfer; and all Monies paid into the said Banks respectively, in pursuance of this Act, or remaining in the Hands of any Remembrancer, Queen's Remembrancer, or other proper Officer respectively, at his Death or Removal, and not invested in the Funds, or placed out on Securities, as aforesaid, shall be paid over to the succeeding Queen's Remembrancer or other proper Officer respectively for the Time being.

Persons in possession deemed entitled to the Premises until the contrary shall be shown.

XXX. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, or Bank of *Scotland*, or Royal Bank of *Scotland*, in the Name and with the Privity of the Remembrancer of the Court of Exchequer, or the Queen's Remembrancer or other proper Officer, pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of the Property so purchased at the Time of the Purchase shall be deemed to have been lawfully entitled to such Property according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court, that such Possession or Receipt was wrongful, and that some other Person or Persons was or were lawfully entitled to such Property.

For Enrolment of Deeds relating to Lands, &c. in England and Wales.

XXXI. And be it enacted, That it shall be lawful for the said principal Officers to cause all or any Deeds, Decrees, Evidences, or Writings, or other Instruments whatsoever, relating to any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, in *England* or *Wales*, now or hereafter vested in the said principal Officers, to be enrolled in the Office of the Remembrancer of Her Majesty's Court of Exchequer, or in the High Court of Chancery, and such Fees shall be paid for such Enrolment as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall from Time to Time appoint, not exceeding such Fees as have been used and accustomed to be taken.

Deeds not required to be acknowledged, &c.

XXXII. And be it enacted, That any Rule or Practice requiring Deeds to be acknowledged, or requiring an Affidavit or Declaration to be made of the due Execution of any Deeds before Enrolment, shall not apply to any Deed, Decree, Evidence, or Writing, or other Instrument whatsoever by this Act required to be enrolled in Her Majesty's Courts of Chancery or Exchequer in *England* or *Ireland*.

Office Copies of Enrolments of such Deeds, &c. admissible in Evidence.

XXXIII. And be it enacted, That a Copy of the Enrolment of every such Deed, Decree, Writing, or other Instrument as aforesaid, signed by the proper Officer having the Custody of such Enrolment, and proved upon Oath to be a true Copy, shall for every Purpose whatsoever be sufficient Evidence of the Contents of such Deed, Decree, Writing, or other Instrument in all Courts of Law and Equity, and on every other Occasion whatsoever shall be of the same Force and Effect, to all Intents and Purposes, as such Deed, Decree, Writing, or other Instrument would be if the same were respectively produced and shown forth.

Ordnance may sue as "The principal Officers of Her Majesty's Ordnance," without naming them.

XXXIV. And be it enacted, That it shall be lawful for the said principal Officers, and their Successors for the Time being, and they are hereby authorized and empowered, to bring, prosecute, and maintain any Action or Actions of Ejectment, or other Proceedings at Law or in Equity, for recovering Possession of any Messuages, Buildings, Castles, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, as now are or hereafter may be vested in them by this Act, or otherwise howsoever, and to distrain or sue for any Arrears of Rent which shall have become or shall become due for or in respect thereof under any Parol or other Demise from the said principal Officers, and also to bring, prosecute, and maintain any other Action or Suit in respect of or in relation to such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments last aforesaid, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto, and also upon all Covenants and Contracts whatsoever now or hereafter made by, to, or with the said principal Officers relating to the said Ordnance or Barrack Department, or the Defence of the Realm; and also to prosecute any other Action, Suit, or legal Proceedings, Civil or Criminal, concerning the Goods or Chattels, Stores, Monies, and other Property, under the Care, Control, and Disposition of the said principal Officers; and that in every such Action, Suit, or other Proceedings the said principal Officers for the Time being shall be called "The principal Officers of Her Majesty's Ordnance," without naming them or any of them; and no such Action, Suit, or other Proceedings shall abate by the Death, Resignation, or Removal of such principal Officers, or any of them, any thing in any Act or Acts of Parliament, or Law or Laws, to the contrary thereof notwithstanding: Provided nevertheless, that nothing herein contained shall be taken to defeat or abridge, in any such Action, Suit, or other Proceedings, the legal Rights, Privileges, and Prerogatives of Her Majesty, Her Heirs and Successors, but that in all such Actions, Suits, or other Proceedings, brought or instituted in the Name and on behalf of the principal Officers of Her Majesty's Ordnance, and in all Matters relating thereunto, it shall be lawful for the said principal Officers to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested in the Crown, and as if the Crown were actually a Party to such Actions, Suits, or other Proceedings: Provided also, that it shall be lawful for Her Majesty to proceed by Information in Her Court of Exchequer, or by any other Crown Process, legal or equitable, in any Case in which such Actions, Suits, Arbitrations, or other Proceedings might have been otherwise instituted.

Privileges and Prerogatives of the Crown not to be curtailed.

Style to be adopted in Deeds, &c.

XXXV. And be it enacted, That in all Contracts of every Description, and in all Conveyances, Surrenders, Leases, and other Deeds and Instruments whatsoever relating to the public Service, which from and after the passing of this Act shall or may be made or entered into by, to, or with the principal Officers of the Ordnance for the Time being, or any Two or more of them, or whereunto they or any Two or more of them shall or may be Parties, it shall be sufficient to call or describe the said principal Officers by the Style or Title of "The principal Officers of Her Majesty's Ordnance," without naming them or any of them; and that all such Contracts, Conveyances, Surrenders, Leases, and other Deeds and Instruments wherein the said principal Officers shall be called or described by their Style or Title as aforesaid, and the Execution thereof respectively by the said principal Officers, or any Two or more of them, shall be as valid and effectual, and shall have the like Force and Operation, to all Intents and Purposes whatsoever, as if the said principal Officers, or any Two or more of them, had been particularly named and described therein.

Principal Officers empowered to give Notices, make Claims, and authorize Entries, &c.

XXXVI. And be it enacted, That it shall be lawful for the said principal Officers for the Time being and they are hereby authorized and empowered to give any Notice, make any Claim or Demand, and to depute or authorize any Person or Persons to make an Entry which shall be requisite or expedient to be given or made by or on behalf of Her Majesty, Her Heirs or Successors, with a view either to compel any Tenant, Lessee, or Occupier of any Part or Parts of the said Possessions of the Crown which are or

may

may be by Law vested in the principal Officers of Her Majesty's Ordnance, to quit or deliver up the Possession thereof, or to compel the Performance of any Covenant, Contract, or Engagement in relation thereto, or to recover Possession on Non-performance of any Covenant, Contract, or Agreement, or to compel the Payment of any Sum of Money which ought to be paid in respect thereof, and to give any other Notice, make any other Claim or Demand, and depute any Person or Persons to make any other Entry which shall or may be requisite or expedient to be given or made by or for or on behalf of Her Majesty, Her Heirs or Successors, touching any of the said Possessions which are or may be by Law vested in the principal Officers of Her Majesty's Ordnance; and that every such Notice, Claim, or Demand which shall be given or made in Writing under the Hands of the said principal Officers for the Time being, or any Two of them, for any of the Purposes aforesaid, and every Entry which shall be made by any Person or Persons deputed or authorized by the said principal Officers to make the same, on behalf of Her Majesty, Her Heirs or Successors, into or upon any of the said Estates or Possessions, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Principal Officers exempted from personal Responsibility.

XXXVII. And be it enacted, That nothing contained in this Act, or to be contained in any Covenant, Contract, Lease, or other Instrument hereby authorized to be entered into, made, taken, or executed by the said principal Officers or any of them, shall extend to charge the Person or Persons of all or any of the said principal Officers executing any such Covenant, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of the same principal Officers, or any of them, or their or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Covenant, Contract, Lease, or other Instrument to be contained on the Part of the same principal Officers, or any of them, nor shall any Officer of Her Majesty's Ordnance be personally liable, nor shall the Property of any such Officer be liable, to any legal Process or Execution in such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

Two principal Officers may act.

XXXVIII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for Two or more of the principal Officers of Her Majesty's Ordnance, and any such Two or more principal Officers are hereby empowered to exercise and execute all Powers, Authorities, and Duties, and to perform, do, and execute all Acts, Deeds, Matters, and Things appertaining to their Office, which by virtue of this Act, or by any Act or Acts now in force, or otherwise, may or ought to be exercised, executed, performed, or done by all the said principal Officers, or any Three or more of them; and all such Acts, Deeds, Matters, and Things done, performed, and executed by Two or more of the said principal Officers in their respective Offices shall be as valid and effectual, to all Intents and Purposes, as if done, performed, and executed by all of the said principal Officers, or any Three or more of them.

Act not to vest Property belonging to Her Majesty in the Officers of the Ordnance.

XXXIX. Provided always, and be it enacted, That nothing contained in this Act, or in any of the Acts herein recited or referred to, shall extend or be deemed or construed to extend to vest in the principal Officers of Her Majesty's Ordnance, or their Successors, in any Manner or for any Purpose whatsoever, any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, or Hereditaments, Part or Parcel of the Hereditary Possessions and Land Revenues of Her Majesty in right of Her Crown, or in right of Her Duchy of *Lancaster*, or to divest, defeat, destroy, lessen, abridge, impair, or in any Manner abrogate, diminish, or prejudice the Estate, Right, Title, Interest, Power, or Authority of Her Majesty, Her Heirs and Successors, in, to, out of, or over any Part or Parcel of the Hereditary Possessions or Land Revenues of Her Crown, or of Her Duchy of *Lancaster*, notwithstanding the same or any Part thereof may have been heretofore set apart, or may hereafter be permitted to be set apart, for the Use and Service or placed under the Charge of the Ordnance or late Barrack Department, or either of such Departments, and notwithstanding the same may have been heretofore or may hereafter be permitted to be set apart for or placed under the Charge of any Person or Persons acting under the Authority of or in Trust for Her Majesty, or any of Her Royal Predecessors, for the Use and Service of the said Departments, or either of them, or for Military Defences, and notwithstanding the same may have been heretofore or may hereafter be held, used, or occupied for the Use and Service of the said Departments or either of them, or for the Defence and Security of the Realm, or otherwise howsoever, but the Estate, Right, Title, Interest, Power, and Authority of Her Majesty, Her Heirs and Successors, in and to all and every Parts and Part of the Hereditary Possessions and Land Revenues of Her Crown and of Her Duchy of *Lancaster*, shall remain, continue, and be good, valid, and effectual, and in full Force, to all Intents and Purposes, any thing in this Act or in any of the said recited Acts to the contrary thereof in anywise notwithstanding.

Nothing in this Act to repeal or alter 10 G. 4. c. 50. or 2&3 W. 4. c. 1.

XL. Provided always, and be it enacted, That nothing contained in this Act, or in any of the Acts herein recited or referred to, shall extend or be deemed or construed to extend to repeal, alter, or affect an Act passed in the Tenth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in* England; *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney; or an Act passed in the Second Year of the Reign of His late Majesty *William* the Fourth, intituled *An Act for uniting the Office of the Surveyor General of His Majesty's Works and public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues,* or any of the Clauses or Provisions in the said last-mentioned Acts respectively contained.

XLI. Pro-

Act not to vest any Property belonging to the Prince of Wales in the Officers of the Ordnance.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall vest or be construed to vest in the principal Officers of Her Majesty's Ordnance for the Time being any Estate or Interest in any Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments belonging to His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, or other the Personage who may hereafter for the Time being be entitled to the Revenues of the Duchy of *Cornwall*, in right or in respect of the said Duchy, other than or different from the Estate and Interest under or by virtue of which the principal Officers for the Time being of Her Majesty's Ordnance held the same at the Time of the passing of this Act; and that nothing in this Act contained shall extend or be construed to extend to affect, alter, prejudice, or derogate from the Estate, Right, Title, Interests, Privileges, or Authority of His said Royal Highness, or other the Personage who may hereafter for the Time being be entitled to the Revenues of the Duchy of *Cornwall* in right or in respect of the said Duchy, or the Possessions thereof, nor at any Time be admitted in any Court of Law or Equity, or otherwise construed, to alter or affect in any Manner the Tenure upon which any such Messuages, Buildings, Castles, Forts, Lines, or other Fortifications, Manors, Lands, Tenements, and Hereditaments, were previously to the passing of this Act held or set apart for or placed under the Charge of any Person or Persons acting under the Authority of or in Trust for Her Majesty or of Her Royal Predecessors, for the Use and Service of the Ordnance or late Barrack Department, or for the Defence or Security of the Realm, nor to alter or affect in any Manner whatever such Estate, Right, Title, Interest, or Authority of His said Royal Highness or other the Personage aforesaid in right or in respect of His or Her said Duchy of *Cornwall*, or the Possessions thereof.

CAP. XCV.

An Act for consolidating the Four Courts Marshalsea, *Dublin*, Sheriffs Prison, *Dublin*, and City Marshalsea, *Dublin*, and for regulating the Four Courts Marshalsea in *Ireland*.

[10th *August* 1842.]

'WHEREAS the Sheriffs Prison in the County of the City of *Dublin* is a Prison for Debtors confined under Process from the Courts of Queen's Bench, Common Pleas, and Exchequer in *Ireland*, and also for Persons under Process from the Recorder's Court, *Dublin*, directed to the Sheriff of the County of the City of *Dublin*: And whereas Persons arrested for Debt under the Warrant of the Coroner of the County of the City of *Dublin* are now confined in the Gaol of *Newgate* within the said County of the City of *Dublin*: And whereas the City Marshalsea in *Dublin* is a Prison in which Persons arrested under Decrees, Warrants, and Process of the Court of Conscience and Lord Mayor's Court of the said County of the said City of *Dublin* are confined: And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice, in* Ireland, Arrest on Mesne Process in Civil Actions, except in certain Cases, was abolished, and very few Persons are now committed to the Sheriffs Prison, and very few Persons are now committed for Debt to *Newgate*: And whereas by the Operation of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, Arrest on the Decrees of the Court of Conscience of the said County of the said City of *Dublin* will shortly be abolished, and very few Persons will hereafter be committed to the said City Marshalsea: And whereas, by reason of the several Matters aforesaid, the Prison of the Four Courts Marshalsea, *Dublin*, will be sufficient to contain all the Persons who are now imprisoned within the said Sheriffs Prison and the said City Marshalsea, and all the Persons who are now or shall be imprisoned for Debt in *Newgate*, or who shall hereafter be taken in Execution of Process of the said several Courts, or other legal Process, under which Persons might have been committed to the said Four Courts Marshalsea, the said City Marshalsea, and Sheriffs Prison:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the Prison of the said Four Courts Marshalsea shall be the only Prison for all Debtors, Bankrupts, or other Persons who before the passing of this Act might lawfully have been imprisoned in any of the said Prisons of the Four Courts Marshalsea, the City Marshalsea, or the Sheriffs Prison, and also for all Persons who before the passing of this Act might lawfully have been imprisoned for Debt in *Newgate*; and that after the passing of this Act no Person shall be committed by any of the said Courts, or by other legal Process, to the said City Marshalsea or Sheriffs Prison, or for Debt to *Newgate*; and that the Persons imprisoned in the Four Courts Marshalsea shall be there in the Custody of the Marshal, from whatever Court or by whatever legal Process they shall severally have been committed; and all Securities taken by any Officer of the Four Courts Marshalsea for the Performance of his Duty respecting Prisoners now confined in the said Four Courts Marshalsea shall enure for securing the Performance of the like Duty respecting the Prisoners who shall be confined in the same Prison under this Act; and all Rules, Orders, and Enactments now in force respecting the Prisoners now in the same Prison, and respecting all Fees, Rates for Lodging, and other Accommodations, and other Sums payable by Prisoners therein, and the Receipt and Application thereof, shall be taken to apply in all respects to all the Prisoners who shall be confined therein under this Act, and to all Fees,

3&4 Vict. c. 105.

3&4 Vict. c. 108.

Four Courts Marshalsea to be the only Prison for the Confinement of Debtors, &c.

Rates

Rates for Lodging and other Accommodations, and other Sums, payable by them, and to the Receipt and Application thereof, subject to the Provisions herein-after contained: Provided always, that until the Removal of the Debtors from *Newgate*, and of the Persons now imprisoned in the City Marshalsea and the Sheriffs Prison, as herein-after provided, such Persons may be lawfully detained within the Prison in which they are now severally confined, and shall be there in the same Custody and subject to all the Rules now in force respecting such Prisoners, as if this Act had not been made: Provided also, that until the Period when, pursuant to the Provisions of the herein-before recited Act of the Third and Fourth Years of Her Majesty's Reign, for the Regulation of Municipal Corporations in *Ireland*, Arrest under the Decrees of the Court of Conscience in *Dublin* shall cease, the City Marshalsea shall be and continue the Prison for all such Persons as shall be arrested under Decrees of that Court.

City Marshalsea to be continued for a certain Time.

II. And be it enacted, That within One Calendar Month after the passing of this Act the Keeper of the Sheriffs Prison and the Keeper of the City Marshalsea shall severally certify under their Hands, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, a true List of the Names of the Prisoners then in their Custody, with the several Causes and Times of their Commitments, and the Governor of *Newgate* shall in like Manner certify a true List of the Prisoners confined in *Newgate* for Debt; and as soon thereafter as the Four Courts Marshalsea can be conveniently made ready for the Reception of the Prisoners to be removed under this Act, the said Lord Lieutenant or other Chief Governor or Governors shall issue his or their Warrants from Time to Time, severally directed to the Keeper of the Sheriffs Prison, the Keeper of the City Marshalsea, and the Governor of *Newgate*, requiring them respectively to deliver into the Custody of the Marshal of the Four Courts Marshalsea those of the Persons then in their Custody as shall be mentioned in such Certificates, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the said Keepers and Governor shall respectively deliver into the Custody of the said Marshal the Persons named in the said Certificates or Warrants, with the several Warrants of Commitment or other Process under which the Persons delivered were arrested or detained in Custody, and the Removal of any such Prisoners in obedience to such last-mentioned Warrant shall not be construed an Escape; and if any Person named in any such Warrant of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall have been lawfully discharged out of the Custody of the said Keeper of the Sheriffs Prison or of the said Keeper of the City Marshalsea, or of the said Governor, before the Execution of the Warrant, the said Keeper of the Sheriffs Prison or the said Keeper of the City Marshalsea, or the said Governor, as the Case may be, shall certify the Fact under his Hand to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and shall deliver such Certificate to the Marshal of the Four Courts Marshalsea.

Prisoners to be removed by Warrant of the Lord Lieutenant.

III. And be it enacted, That as soon as all the Prisoners confined in the said Sheriffs Prison shall have been discharged or removed under this Act unto the Custody of the said Marshal, all Records, Books, and Papers in the Custody of any Officer of the Sheriffs Prison, relating to the Business of the said Prison, shall be delivered to the said Marshal, and the Offices of Keeper, Turnkey, Watchmen, and other Officers of said Sheriffs Prison shall be abolished; and as soon as all the Prisoners confined in the City Marshalsea shall have been discharged or removed under this Act into the Custody of the said Marshal, and after Arrest on the Decrees of the Court of Conscience shall have been abolished, all Records, Books, and Papers in the Custody of any Officer of the said Prison, relating to the Business of the said Prison, shall be delivered to the said Marshal, and the Offices of Keeper, Watchmen, and all other Offices of the said City Marshalsea shall be abolished.

Abolition of Offices of Sheriffs and City Marshalsea Prisons.

IV. And be it enacted, That from and after the Abolition of the said Offices of the Sheriffs Prison it shall not be lawful for the Grand Jury of the County of the City of *Dublin* to present any Sum whatever for or to the Support of the said Sheriffs Prison, or to or for any Office thereunto belonging, save as herein-after mentioned.

Grand Jury not to make Presentments for Sheriffs Prison;

V. And be it enacted, That from and after the Abolition of the Offices of the said City Marshalsea the said Grand Jury shall make no Presentment in respect of the said Marshalsea, save for such Debts as may have been incurred for the Support of poor Prisoners in the said City Marshalsea prior to the Period of its Abolition, in respect of which Presentments might have been made by the said Grand Jury if this Act had not been passed, and save and except as herein-after excepted.

or City Marshalsea.

VI. And be it enacted, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, upon Memorial from the several Persons who shall have filled such Offices so abolished as herein-before mentioned, by a Warrant or Warrants under their Hands, to direct and appoint the Amount of Compensation (if any) to which the said Persons may in their Opinion be severally entitled in right of their Offices, regard being had to the Manner of their Appointment, and the Tenure and Duties of their Offices, and the Nature and Permanency of the Emoluments and Salaries thereof; and such Warrant or Warrants shall state the Amount of Compensation (if any), and how the same is to be paid, whether as a Sum in gross or by way of Annuity; and such Commissioners of Her Majesty's Treasury shall cause a Duplicate of such Warrant or Warrants, so far as the same relate to the Offices of the Sheriffs Prison hereby abolished, to be transmitted to the Secretary of the said Grand Jury of the County of the City of *Dublin*, who shall lay the same before the Grand Jury of the County of the City of *Dublin* at the Presenting Term during or next after which he shall receive the same; and thereupon such Grand Jury, and every subsequent Grand Jury for the said County of the said City of *Dublin*, shall and they are hereby required from Time to Time to present the Sums mentioned in such Warrant whenever they shall become due and payable by virtue of such Warrant, so far as the same relates to such last-

Compensation to Officers.

last-mentioned Offices, and the same shall be paid to the several Persons entitled, according to the Provisions of such Warrants, in like Manner as other Sums presented, raised, and levied by the said Grand Jury Presentments are or shall be paid to the Parties entitled thereto; and such Warrant or Warrants, so far as the same relate to the Offices of the City Marshalsea, shall distinguish the Portion of such Compensation properly chargeable on the Funds of the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, in respect of any Salaries, Fees, or Emoluments heretofore payable by such Corporation, and shall direct Payment of such Portion of such Compensation to be made by them; and the Residue of such Compensation shall be charged upon and issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and a Duplicate of such Warrant or Warrants, so far as the same relate to the Offices of the City Marshalsea, shall be transmitted to the Town Clerk of the said City of *Dublin*, who shall lay the same before the Council of the said City at their next Meeting, or as soon as conveniently may be, and the said Council shall from Time to Time order the Treasurer of the said City to pay severally to the Person mentioned in such Warrant the Sums specified therein, and directed to be paid by the said Corporation; and the said Treasurer shall thereon pay the said Sums to the said Persons, according to the Provisions of such Warrants: Provided always, that a Copy of every such Warrant for Compensation shall be laid before the Commons House of Parliament within Fourteen Days next after the Date thereof, if Parliament shall be then assembled, and if Parliament shall not be assembled, then within Fourteen Days after the Meeting of Parliament then next following.

No Person to receive Gaol Allowance without subscribing Declaration.

VII. 'And whereas great Expence has resulted from Persons in the Four Courts Marshalsea receiving 'the Pauper Allowance there for any Period of Time that they think proper to remain in Prison, without 'any Effort to obtain their Discharge from Prison by due Course of Law;' be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without subscribing to the following Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer:

'I *A. B.* do solemnly declare, That I *A. B.*, a Prisoner in the Four Courts Marshalsea, have no Means 'whatever, directly or indirectly, of supporting myself, and that I have solely and entirely to rely 'on the Support allowed by Government for Pauper Prisoners confined in the said Four Courts 'Marshalsea.'

Notice of Declaration to be given in the Dublin Gazette.

VIII. And be it enacted, That when such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith furnish the said Declaration, or a Copy thereof, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk of the Court for the Relief of Insolvent Debtors in *Ireland*, who shall file the same, and forthwith give Notice in the *Dublin Gazette* to the detaining Creditors of the said Persons who shall have subscribed such Declaration, that if they the said detaining Creditors, or some One of them, shall not, within Twenty-one Days after the Publication of the said Notice in said Gazette, file or cause to be filed in the said last-mentioned Court, at his or their proper Expence, a Petition against the said Person, so as to bring him before the Court for the Relief of Insolvent Debtors in *Ireland* for Adjudication, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody; and in case such a Petition shall not be filed by any of the Creditors of the said Person, in pursuance of such Notice, within the said Period of Twenty-one Days, then a Discharge shall be made out by such Chief Clerk without any further Order or Inquiry, and such Chief Clerk shall forthwith forward such Discharge to the Marshal of the Marshalsea of the Four Courts, and such Discharge shall be a proper Authority to the said Marshal for discharging such Person from Custody, and the said Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to the said Prison, and the Debts, Costs, and Sums of Money for which Detainers had been lodged against him previous to the Publication of the said Notice in the said Gazette: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the after-acquired Property of the said Person from Seizure and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money; but the said Property shall be liable to be seized, sold, and dealt with, in Liquidation and Discharge of the said Debts, Costs, and Sums of Money, as it would have been if the said Person had never been committed to or detained in the said Prison.

Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

Saving the Authority of the Court of Queen's Bench. 7 G. 4. c. 74.

IX. And be it enacted, That nothing herein contained shall in any way interfere with the Authority of the Court of Queen's Bench to make Rules and Regulations for the Government of the Four Courts Marshalsea as heretofore, under the Provisions of the Act of the Seventh Year of His late Majesty *George* the Fourth, intituled *An Act for amending and consolidating the Laws relating to Prisons in* Ireland.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCVI.

An Act to alter the Number and define the Boundaries of the several Baronies of the County of *Dublin*. [10th *August* 1842.]

'WHEREAS under and by virtue of the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled 'An Act for the Regulation of Municipal Corporations in Ireland, and of another Act passed in the same Session, intituled An Act to annex certain Parts of certain Counties of Cities to adjoining Counties; to make further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in Ireland, Three several Portions or Parcels of the County of the City of *Dublin* have been separated therefrom, and annexed to the County of *Dublin*: And whereas it is expedient, for the Purposes herein-after mentioned, to fix and declare the Number of Baronies in and for the said County of *Dublin*, and to define the Contents, Extent, and Limits of the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for all the Purposes of the Survey now in progress throughout *Ireland*, under the Direction of the Officers appointed by the Master General and Board of Ordnance, and also for all the Purposes of the Valuation consequent upon such Survey under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in* Ireland; *and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin or wherein the same are locally situate*, the said County of *Dublin*, as now enlarged under the Provisions of the said Two herein-before first-recited Acts, shall be deemed and taken to be divided into Nine Baronies, which shall be denominated as follows; (that is to say), *Balrothery East, Balrothery West, Nethercross, Castleknock, Coolock, Dublin, Newcastle, Rathdown*, and *Uppercross*; and that each of the said several Baronies shall be deemed and taken to consist of and comprise all and singular the Parishes, Parts of Parishes, Townlands, Parts of Townlands, Denominations or Parts of Denominations, Pieces or Portions of Lands, Houses, and Tenements respectively in that Behalf mentioned in the Schedule to this Act annexed in conjunction with each such Barony respectively.

3&4 Vict. c. 108. 8&4 Vict. c. 109.

County of Dublin to be divided into Nine Baronies for all the Purposes of the Ordnance Survey and Valuation consequent thereupon. 6&7 W. 4. c. 84.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or affect the Number, Contents, or Boundaries of the several Baronies of the said County of *Dublin*, as now existing, for any Purpose whatsoever other than the Purposes of the said Survey and Valuation.

This Act not to alter the existing Boundaries for any other Purpose.

SCHEDULE to which this Act refers;

CONTAINING

The BARONIES into which the County of DUBLIN is divided; showing the PARISHES, Parts of PARISHES, TOWNLANDS, Parts of TOWNLANDS, DENOMINATIONS, Parts of DENOMINATIONS, PIECES or PORTIONS of LAND, HOUSES, and TENEMENTS, and CONTENTS of each BARONY.

I.—BARONY OF BALROTHERY EAST.

Parishes:	A.	R.	P.
Balscaddan	3,948	0	38
Balrothery	6,884	1	38
Baldongan	857	3	11
Holmpatrick	2,131	0	36
Lusk	16,183	2	28
	30,005	1	31

II.—BARONY OF BALROTHERY WEST.

Parishes:	A.	R.	P.
Ballymadun	3,438	2	20
Ballybroghill	2,789	1	0
Clonmethan	3,027	3	19
Garristown	5,345	1	19
Grallagh	791	3	31
Hollywood	3,997	3	14
Naul	2,627	2	21
Palmerstown, North	1,580	2	34
Westpalstown	1,595	3	36
	25,195	0	34

III.—Barony of Nethercross.

Parishes:				A.	R.	P.
Donabite				2,714	2	16
Finglas (Part of), containing the following Townlands; namely—	A.	R.	P.			
Ballystrahan	152	2	31			
Kilreesh	262	3	5			
Laurestown	207	0	6			
Skephubble	135	3	20	979	2	10
Toberburr	220	1	23			
Westereave	0	3	5			
Killossery				2,731	0	29
Kilsallaghan				2,730	3	38
Killeek				807	2	6
Portrane (including Lambay Island, containing 595A. 3R. 0P.)				2,185	2	19
Swords (with the Exception of Swords Glebe, insulated in and henceforth to form Part of the Barony of Coolock)				9,668	3	31
				21,818	1	29

IV.—Barony of Castleknock.

Parishes:	A.	R.	P.
Cloghran West	778	0	30
Castleknock	7,123	2	29
Clonsilla	3,256	1	7
Chapelizod	532	2	35
Finglas (with the Exception of that Part of it herein-before specified to be the Barony of Nethercross)	3,717	0	14
Mulhuddart	4,067	0	34
That Part of St. James's, North of the River Liffey, situated without the Municipal Boundaries of the City of Dublin Boundaries, and including 3A. 0R. 10P., at the Great Eastern Entrance to the Phœnix Park, lately transferred from the County of the City of Dublin to the County of Dublin	547	1	35
Ward	1, 349	1	8
	21,371	3	32

V.—Barony of Coolock.

Parishes:	A.	R.	P.
Artaine	953	2	7
Balgriffin	1,052	2	2
Baldoyle	1,235	3	39
Cloghran, East	1,557	2	31
Coolock	1,734	1	26
Clontarf	1,189	3	0
Clonturk	1,244	10	0
That Part of Glasnevin situated without the Municipal Boundaries of the City of Dublin	995	1	31
That Part of Grange Gorman, Part situated without the Municipal Boundaries of the City of Dublin	552	0	25
Howth	2,669	2	3
Kinsaley	2,129	3	27
Kilbarrack	740	0	14
Killister	279	1	16
Malahide	1,125	3	2
Portmarnock	2,084	1	2
Raheny	920	1	19
Santry	4,726	0	1
St. Margaret's	2,400	3	7
That Part of St. George's situated without the Municipal Boundaries of the City of Dublin	311	0	9
Swords (Part of), comprising Glebe insulated in Cloghran Parish	5	3	29
	27,908	2	20

VI.—Barony of Dublin.

Parishes:		A.	R.	P.
Booterstown (Part of), comprising the Townland of Intake	Being the Portions or Parcels of Land lately transferred from the County of the City of Dublin to the County of Dublin	70	0	35
Donnybrook (Part of)		1,313	2	9
Monkstown (Part of), comprising the Townland of New Town Blackrock		3	1	1
St. Mark's (Part of)		30	1	14
St. Peter's (Part of)		226	0	18
That Part of Taney comprising the Townland of Roebuck		6	0	17
		1,649	2	14

VII.—Barony of Newcastle.

Parishes:	A.	R.	P.
Arderrig	759	0	33
That Part of Clondalkin comprising the Townland of Blundelstown	157	1	13
Esker (with the Exception of the Townland of Coldart and Esker, included in Uppercross Barony)	2,366	3	24
Kilmactalway	2,492	2	20
Kilbride	846	0	24
Kilmahuddrick	181	1	1
Leixlip	1,506	1	26
Lucan	1,125	2	16
Newcastle	4,282	1	32
Rathcoole	4,705	1	30
Saggart	4,453	0	12
	22,876	1	31

VIII.—Barony of Rathdown.

Parishes:				A.	R.	P.
That Part of Booterstown (exclusive of the Townland of Intake, included in the Barony of Dublin)				471	0	13
Dalkey, including Dalkey Island, 21A. 2R. 27P.				467	0	10
That Part of Donnybrook containing the following Townlands, viz.:						
	Annefield	4	3 21			
	Simmonscourt	81	0 9	363	3	26
	Priesthouse	277	3 36			
Kilmacud				286	1	15
Kilgobbin				3,257	2	28
Kiltiernan				3,165	2	26
Kill				2,702	2	28
Killiney				1,334	2	7
That Part of Monkstown (exclusive of the Townland of New Town Blackrock, included in the Barony of Dublin)				2,048	1	0
Old Connaught				1,978	0	6
Rathmichael				2,808	0	9
Stillorgan				689	3	23
Taney (exclusive of the Townland of Roebuck in the Barony of Dublin)				4,556	3	19
Tully				3,285	3	31
Whitechurch.				2,873	1	27
Rathfarnham, with the Exception of the Townland of Scholarstown, included in the Barony of Uppercross				2,581	0	36
				32,870	2	24

IX.—Barony of Uppercross.

Parishes:				A.	R.	P.
Ballyfermot				1,183	1	16
Clondalkin (with the Exception of the Townland of Blundelstown, included in Newcastle Barony)				4,776	2	22
Crumlin				1,817	0	38
Cruagh				4,460	1	9
That Part of Donnybrook containing the following Townlands; viz.						
Sallymount	10	0	32			
Clonskeagh	0	1	8			
				10	2	0
Drimna				732	0	18
St. Catherine's				194	3	2
That Part of Esker containing the following Townlands, namely,						
Coldcut	38	2	38			
Rowlagh	102	3	37			
				141	2	35
Palmerstown, South				1,517	3	7
That Part of Rathfarnham comprising the Townland of Scholarstown				200	2	39
That Part of Saint James's, South of the River Liffey, situate without the Municipal Boundaries of the City of Dublin, and including 29 P. transferred from the County of the City of Dublin to the County of Dublin				903	3	36
That Part of Saint Peter's heretofore forming Part of the Barony of Uppercross				1,206	2	3
That Part of Saint Nicholas Without, situated without the Municipal Boundaries of the City of Dublin				5	0	19
Tallaght				21,868	1	3
				39,019	0	7

SUMMARY OF THE BARONIES.

	A.	R.	P.
Balrothery East	30,005	1	31
Balrothery West	25,195	0	34
Nethercross	21,818	1	29
Castleknock	21,371	3	32
Coolock	27,908	2	20
Dublin	1,649	2	14
Newcastle	22,876	1	31
Rathdown	32,870	2	24
Uppercross	39,019	0	7
Total	222,715	1	22

CAP. XCVII.

An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions, and Pleas of the General Issue, under certain Acts of Parliament. [10th *August* 1842.]

'WHEREAS divers Acts of Parliament, Public, Local, and Personal, contain Enactments or Provisions relating to the Recovery of Double, Treble, or other Costs in certain Cases, and to the pleading of the General Issue and the giving any special Matter in Evidence at any Trial to be had for any Matter done in pursuance of or under the Authority of the said Acts, and to the giving of Notice of Action before any Action shall be commenced: And whereas it is expedient that the Law should be altered in such respects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of any Clause, Enactment, or Provision in any Act or Acts commonly called Public Local and Personal, or Local and Personal, or in any Act or Acts of a Local or Personal Nature, whereby it is enacted or provided that either Double or Treble Costs, or any other than the usual Costs between Party and Party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that in lieu thereof the usual Costs between Party and Party shall and may be recovered, and no more.

Repeal of Provision in Local and Personal Acts giving Double and Treble Costs.

II. And be it enacted, That so much of any Clause, Enactment, or Provision in any Public Act or Acts, not Local or Personal, whereby it is enacted or provided that either Double or Treble Costs, or any other than the usual Costs between Party and Party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that instead of such Costs the Party or Parties heretofore entitled under such last-mentioned Acts to such Double, Treble, or other Costs shall receive such full and

Repealing Provision in Public Acts giving Double and Treble Costs.

and reasonable Indemnity as to all Costs, Charges, and Expences incurred in and about any Action, Suit, or other legal Proceeding, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

Repeal of Provision in Local and Personal Acts allowing General Issue.

III. And be it enacted, That so much of any Clause or Provision in any Act or Acts commonly called Public Local and Personal, or Local and Personal, or in any Act or Acts of a Local and Personal Nature, whereby any Party or Parties are entitled or permitted to plead the General Issue only and to give any special Matter in Evidence without specially pleading the same, shall be and the same is hereby repealed.

Uniformity of Notice of Action.

IV. 'And whereas it is expedient that the Law should be uniform with respect to Notice of Action 'in all Cases where such Notice of Action is required;' be it therefore enacted, That from and after the passing of this Act, in all Cases where Notice of Action is required, such Notice shall be given One Calendar Month at least before any Action shall be commenced; and such Notice of Action shall be sufficient, any Act or Acts to the contrary thereof notwithstanding.

General Limitation of Actions under Local and Personal Acts.

V. 'And whereas divers Acts commonly called Public Local and Personal, or Local and Personal 'Acts, and divers other Acts of a Local and Personal Nature, contain Clauses limiting the Time within 'which Actions may be brought for any thing done in pursuance of the said Acts respectively: And 'whereas the Periods of such Limitations vary very much, and it is expedient that there should be One 'Period of Limitation only;' be it therefore enacted, That from and after the passing of this Act the Period within which any Action may be brought for any thing done under the Authority or in pursuance of any such Act or Acts shall be Two Years, or in case of continuing Damage, then within One Year after such Damage shall have ceased; and that so much of any Clause, Provision, or Enactment by which any other Time or Period of Limitation is appointed or enacted shall be and the same is hereby repealed.

Actions, &c. brought before passing of Act not affected.

VI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Plaint, or Information, or any legal Proceeding of any Kind whatsoever, commenced before the passing of this Act, but such Proceedings may be thereupon had and taken in all respects as if this Act had not passed.

CAP. XCVIII.

An Act to amend the Laws concerning Prisons. [10th *August* 1842.]

'WHEREAS it is expedient that the Laws concerning Prisons should be amended, and that greater 'Facilities should be given for building Prisons;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the several Terms herein-after mentioned all Lands, Tenements, and Hereditaments purchased for the Purposes of a Prison, Court House, or other necessary Buildings to be used with such Prison, shall become and remain absolutely vested in the Person or Persons or Body Corporate to whom the Conveyance shall be made, and their Heirs or Successors, in Trust for the Purposes of a Prison, Court House, or other necessary Buildings to be used therewith; that is to say, after the Expiration of Five Years after the passing of this Act, with respect to Lands, Tenements, and Hereditaments purchased before the passing of this Act, and after the Expiration of Five Years from the Date of the Conveyance, with respect to Lands, Tenements, and Hereditaments purchased after the passing of this Act; and that if any Proceedings shall be taken before the Expiration of the said several Terms of Five Years, upon which Judgment shall be obtained for the Recovery of the Possession of any such Lands, Tenements, and Hereditaments, then within Two Calendar Months after such Judgment shall be obtained, there shall be paid or tendered to the Person obtaining such Judgment, instead of such Lands, Tenements, and Hereditaments, his or her Costs on the Proceedings for obtaining such Judgment, and such Sum of Money as a Jury, in the Manner herein-after mentioned, shall find to have been the Value of the said Lands, Tenements, and Hereditaments.

Confirmation of Title to Lands, &c. taken for the Purposes of Prisons, &c.

Jury to ascertain the Value to be paid.

II. And be it enacted, That the Jury which shall try any Proceedings brought for the Recovery of the Possession of any of the said Lands, Tenements, or Hereditaments shall at the same Time ascertain the Value thereof at the Time when they were conveyed, or when Possession was taken thereof for the Purposes of a Prison, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession thereof, and the Value so ascertained shall be the Amount to be paid, instead of such Lands, Tenements, and Hereditaments.

The Borough Council may borrow Money for building Prisons. 5 & 6 W. 4. c. 76.

III. And be it enacted, That in every Borough in which there is or shall be a Body Corporate of Mayor, Aldermen, and Burgesses, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or of any Charter granted in pursuance of that or any subsequent Act, and in which there shall be a separate Court of Sessions of the Peace, it shall be lawful for the Mayor, Aldermen, and Burgesses, by their Council, from Time to Time to take up and borrow any Sum of Money, not exceeding the Amount of the Estimate or Estimates approved by the Council, for building or rebuilding, repairing or enlarging the Prison, Court House, and other necessary Buildings to be used with the Prison for such Borough, according to any Plan approved by One of Her Majesty's Principal Secretaries of State, and for the Purchase of Land for the Purposes of any such Prison, Court House, and other necessary Buildings

Buildings as aforesaid, or for repaying any Monies which may have been borrowed for any of the said Purposes before the passing of this Act: Provided always, that the whole of the Sum borrowed under this Act, and the Interest accruing due from Time to Time, shall be repaid within Thirty Years from the Time of borrowing the same.

Exchequer Loan Commissioners may grant Loans.

IV. And be it enacted, That upon the Application of the Council of any such Borough it shall be lawful for the Commissioners appointed for the Execution of the Acts authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works, to make Advances, subject to the Provisions of the said Acts, for building, rebuilding, enlarging, improving, repairing, or fitting up any Prison of that Borough, as fully as the said Commissioners are empowered to make such Advances for the like Purposes to the Justices of any County in *England*, on the Application of the major Part of them; and it shall be lawful for the Council to receive any Sum so advanced, and to apply the same to the Purposes for which such Advances shall be made, so that all Sums so advanced, with the Interest thereon, shall be fully repaid and satisfied within the Period of Twenty Years from the advancing thereof.

Power of Mortgage.

V. And be it enacted, That for securing Repayment of the Money so advanced it shall be lawful for the Council to grant Bonds under the Common Seal of the Mayor, Aldermen, and Burgesses of the Borough, or instead of issuing such Bonds to mortgage, with the Consent of Three or more Commissioners of Her Majesty's Treasury, any Part of the Lands, Tenements, and Hereditaments of the said Body Corporate, the Issues, Rents, and Profits of which, by any Law now in force, are or may be applied towards erecting or maintaining a Gaol or House of Correction in their Borough, and to repay the Money borrowed and the Interest accruing due thereon, or so much thereof as the Council shall think fit to charge thereupon, out of the Borough Fund or Borough Rate, but subject and without Prejudice to any prior Claim upon such Borough Fund, or instead or in aid thereof it shall be lawful for the Council to make Gaol Rates and to secure the Repayment of any Money so advanced, with the Interest accruing due, or so much as shall be charged thereupon, by Mortgage of the Borough Rates or Gaol Rates, so that all the Money borrowed, with the Interest due thereon, shall be repaid within the said Term of Thirty Years, or in case the Money shall have been advanced by the Commissioners of Exchequer Bills, within Twenty Years; and every such Mortgage may be by Instrument in the Form contained in the Schedule annexed to this Act, or in any other suitable Form.

Gaol Rate to be made and raised in the same Manner as Borough Rate.

VI. And be it enacted, That every Gaol Rate made for the Purpose of repaying any Money advanced by any Person or Body Corporate for any of the Purposes aforesaid shall be made, levied, and raised in like Manner as the Borough Rate may be made, levied, and raised; and all Powers and Authorities now vested in the Council, or in Overseers of the Poor, or Persons appointed by the Council to act as such Overseers, relating to the making, levying, and collecting the Borough Rate, shall be in full Force and Effect in relation to the making, levying, and collecting any such Gaol Rate.

Parishes, &c. partly within the Borough.

VII. And be it enacted, That in every Case in which any Parish, Township, Precinct, or Place liable to support its own Poor shall be partly within and partly without any such Borough, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish, Township, Precinct, or Place, upon the Receipt of any Warrant from the Mayor, or any Justice or Justices of the Peace, High Constable, or other Officer duly authorized to act in that Behalf within the Borough, for the Payment of Money for the Purposes of this Act, (which Warrants every such Mayor, Justice of the Peace, High Constable, and other Officer shall be severally empowered to direct to them, in like Manner as if the whole of such Parish, Township, Precinct, or Place were within their Borough,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates in that Part of their Parish, Township, Precinct, or Place which is within the Borough, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate, and in addition to the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish, Township, Precinct, or Place may be liable, in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Borough, and out of the Monies so levied and collected, or out of any Monies in their Hands collected for the Relief of the Poor, shall pay the Amount mentioned in the Warrant, and in default thereof shall be subject to all the Provisions and Penalties provided by any Act concerning the Nonpayment of any Borough Rate.

Corporations and others empowered to sell and convey Lands.

VIII. And be it enacted, That it shall be lawful for the Queen's most Excellent Majesty, Her Heirs and Successors, and for all Bodies Politic and Corporate, and also for all Guardians, Committees, Husbands, Trustees, and Attornies of all Persons being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure, such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto the Mayor, Aldermen, and Burgesses of the Borough, in Trust and for the Purpose of converting the same into or for erecting new Prisons, Court Houses, or other necessary Buildings to be used with such Prisons, or of enlarging old ones, and of providing the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever; and the Provisions of the Act passed in the Fourth Year

of

of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales, respecting Contracts of the like Description, shall extend and apply to the Contracts entered into under this Act, as if the Council of the Borough had been therein named instead of the Justices, except that the Council shall have no Power to compel any Person or Body Corporate to enter into any such Contract. 4 G. 4. c. 64.

Repeal of Part of 4 G. 4. c. 64.

IX. And be it enacted, That so much of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales, as restricts the Power to borrow Money for building, rebuilding, repairing, or enlarging any Gaol or House of Correction to the Case where the Amount of the Estimate approved by the Justices shall exceed One Half of the Amount of the ordinary annual Assessment, for the Rate of any County, Riding, Division, District, City, Town, or Place, or as provides that the Sum of Money to be borrowed under the Powers of the said Act, for building or rebuilding, repairing or enlarging any Gaol or House of Correction, shall be borrowed in Sums not exceeding One hundred Pounds each, or as provides that the Principal Sum borrowed must be repaid within Fourteen Years from the Time of borrowing the same, shall be repealed.

Extending the Period for Repayment of Loans in Counties.

X. And be it enacted, That when the Justices of any County shall have borrowed any Money for building, rebuilding, repairing, or enlarging any Prison, they shall charge the Rate to be raised upon such County, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as will ensure the Payment of the whole Sum borrowed within Thirty Years, or if the Loan shall have been made by the Commissioners appointed for the Execution of the Acts authorizing the Issue of Exchequer Bills, within Twenty Years from the Time of borrowing the same.

Justices, on Presentment, may provide more than One Gaol.

XI. And be it enacted, That if it shall be expressly presented that One Common Gaol is insufficient for any County, Riding, Parts, or Division of a County, having a distinct Commission of the Peace, or a distinct Rate in the Nature of a County Rate, applicable to the Maintenance of a Prison for such Division, the Justices of such County, Riding, Parts, or Division of a County, by Orders made for that Purpose, may provide and maintain Two or more Common Gaols for such County, Riding, Parts, or Division, and for that Purpose shall have the same Powers which they have for providing, building, repairing, and maintaining therein One Common Gaol, and for purchasing and holding the Site thereof; and all Laws and Enactments in force with respect to One Common Gaol shall be enforced with respect to any additional Gaol or Gaols which may be hereafter provided; and all Persons who may be committed to the Common Gaol, or kept therein, either before or after Trial, may be committed to or kept, either before or after Trial, in any such additional Gaol, and shall be there in the Custody of the Sheriff; and the Sheriff shall appoint and may remove the Keeper of every such additional Gaol.

Amending the Parkhurst Prison Act, 1 & 2 Vict. c. 82.

XII. ‘ And whereas the Buildings at *Parkhurst* in the *Isle of Wight*, appointed to be used as a ‘ Prison under an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act for* ‘ *establishing a Prison for young Offenders*, have been found insufficient, and Doubts have been entertained whether additional Buildings may lawfully be made and used as a Prison there;’ be it declared and enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order, from Time to Time, that such Part of *Parkhurst* Barracks may be taken and used for the Purposes of the said Prison as to Her Majesty, with the Advice aforesaid, shall seem fit, and also from Time to Time, with the Advice aforesaid, to order that additional Buildings shall be built upon any Part of the Land already or hereafter to be appropriated to the Purposes of the said Prison; and all Parts of the Barracks so taken, and all such additional Buildings, shall be deemed to be a Part of *Parkhurst* Prison, and to be within all the Provisions of the said Act.

Extending the Power of holding Land for Prisons.

XIII. And be it enacted, That for the Purpose of providing a Prison it shall be lawful for the Justices of any County, or such Person or Persons as they shall appoint for that Purpose, and for the Mayor, Aldermen, and Burgesses of any Borough, to purchase and hold so much Land as One of Her Majesty's Principal Secretaries of State shall deem to be necessary for the Purposes of such Prison.

Contracts may be made with Committees of District Prisons.

XIV. And be it enacted, That the Justices of any County, and the Mayor, Aldermen, and Burgesses of any Borough, by their Council, shall respectively have the same Power for contracting with the Committee for managing any District Prison established under an Act passed in this Session of Parliament, for the Conveyance, Support, and Maintenance in such District Prison of Prisoners committed thereto from such County or Borough, which they respectively have for contracting for the like Purpose with the Justices of any County, or the Mayor, Aldermen, and Burgesses of any Borough, or their Council; and it shall be lawful for the Committee for managing any such District Prison to enter into such Contracts, and to order that Offenders shall be received under such Contracts into the said District Prison, although the County or Borough with which any such Contract may be made shall not be a contracting Party to the Agreement in pursuance of which such District Prison shall have been established; and all such Offenders may be tried and sentenced by the District Court for all Offences of which the Court has Cognizance, and punished accordingly, in like Manner as any Offenders committed to such District Prison from any Borough, Party to the said Agreement.

Gaol and House of Correction to be provided for every Borough having separate Courts of Ses-

XV. And be it enacted, That in every such Borough as aforesaid to which a separate Court of Sessions of the Peace hath been or shall hereafter be granted, there shall be One Common Gaol and at least One House of Correction, excepting those Boroughs in which the Mayor, Aldermen, and Burgesses, by their Council, shall have contracted with the Justices of the Peace having Authority or Jurisdiction in or over any Gaol or House of Correction of the County, Riding, or Division wherein such Borough is situated, or

sions of the Peace, except as to District Prisons.

or whereunto it is adjacent, or with the Mayor, Aldermen, and Burgesses of some other Borough in which there is a Gaol or House of Correction, or with the Committee of a District Prison, for the Support and Maintenance in such last-mentioned Gaol or House of Correction, or District Prison, respectively, of any Prisoners committed thereunto from such Borough; and during the Continuance of any such Contract, but no longer, the first-mentioned Mayor, Aldermen, and Burgesses shall not be bound to maintain any other Gaol or House of Correction for their Borough; and it shall be lawful for the Mayor, Aldermen, and Burgesses of any such Borough, by their Council, to enter into such Contracts as aforesaid, although at the Time of entering into such Contract there may be no Gaol or House of Correction belonging to such Borough; and all Enactments with respect to such Contracts shall apply as well to those Contracts where at the Time of entering into the same there was or is a Gaol or House of Correction belonging to the Borough, as to those Contracts where there was or is no Gaol or House of Correction belonging to the Borough at the Time of entering into the same.

Repeal of Part of 1 G. 2. c. 20.

XVI. And be it enacted, That so much of an Act of the First Year of the Reign of King *George* the Second, intituled *An Act for erecting a Workhouse in the City of* Canterbury, *for employing and maintaining the Poor there, and for the better enlightening the Streets of the said City*, as relates to providing, maintaining, repairing, and upholding a House of Correction by the Guardians of the Poor of the City of *Canterbury*, and their Successors, and also so much of the said Act as relates to the maintaining, providing, and allowing One or more Masters of the said House of Correction, and as provides that the same House of Correction shall be the public House of Correction for the said City of *Canterbury* and County of the same City, shall be repealed; and that as soon as another House of Correction shall have been provided for the said City and County, the Prisoners in the Bridewell shall be removed to such new House of Correction, and thereupon the Bridewell shall cease to be the House of Correction for the said City and County.

Repeal as to Agreements made at Quarterly Meetings of Council.

XVII. And be it enacted, That so much of any Act as enacts that any such Agreement shall be made by the Council of any Borough at a Quarterly Meeting of the Council shall be repealed, and that any such Agreement may be made by the Council of any such Borough at a Special Meeting of the Council to be called for that Purpose: Provided always, that nothing in this Act shall affect any Contract entered into before the passing of this Act between any Justices and the Council of any Borough.

Expence of Borough Prisoners in County Prisons to be paid by the Borough.

XVIII. And be it enacted, That in every Borough to which a separate Court of Sessions of the Peace hath been or shall hereafter be granted or purported to be granted, and where the Persons committed for Offences arising within such Borough have been or shall hereafter be sent to any Prison of the County in which such Borough is situated, and that no special Contract shall be subsisting between such Borough and County relative to the said Prisoners, the Council of such Borough shall pay or cause to be paid to the Treasurer of such Prison, or other Person appointed by the Justices of the Peace in General or Quarter Sessions assembled, for the County in which such Prison is situated, the actual Expences heretofore incurred, or hereafter to be incurred, in the Conveyance, Transport, Maintenance, safe Custody, and Care of every such Prisoner, according to the Time for which each such Prisoner shall have been or shall remain in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Prison, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the Prison shall from Time to Time determine, including in such Expences all Salaries of Officers, all Expences of Repairs, Alterations, Additions, and Improvements in or to the said Prison, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charge whatsoever on account of the Prisoners confined in such Prison; subject nevertheless to a proportional Share of all Deductions on account of the Earnings of Prisoners in the said Prison, and of all Sums of Money received in aid of the Rates levied for the Maintenance of the said Prison: Provided always, that the Payment by the Council of any such Borough of any such Expences incurred before the passing of this Act may be made by Five equal yearly Instalments, the first of such Instalments to be payable within Three Calendar Months after the passing of this Act, with Interest after the yearly Rate of Four Pounds in the Hundred, to be calculated from the passing of this Act, upon so much of the said Expences incurred before the passing of this Act as shall remain unpaid until the whole shall be discharged.

Expences of Prosecution of such Prisoners how to be defrayed. 5 & 6 W. 4. c. 76. s. 113.

XIX. And be it enacted, That the Expences heretofore incurred or hereafter to be incurred in the Prosecution of such Prisoners as aforesaid at the General or Quarter Sessions of the Peace of the County wherein such Borough is situated shall be defrayed by the Treasurer of such Borough in such Manner as is directed for the Payment of the Costs of Prosecutions by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, out of a Rate to be made, levied, and recovered within the said Borough in the same Manner as the Rate herein-after mentioned.

Expences of Conveyance and Maintenance of such Prisoners how to be paid.

XX. And be it enacted, That the Expence heretofore incurred or hereafter to be incurred in the Conveyance, Transport, Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be paid out of a Rate to be made and levied for that Purpose by the Council of such Borough in the Nature of a Borough Rate; and any such Rate may be made and recovered in the same Manner as any Borough Rate may be made or recovered; and the Amount of all such Expences of Conveyance, Transport, Maintenance, safe Custody, and Care of Prisoners as aforesaid shall, in case of Dispute, be settled by such Barrister-at-Law as shall be determined upon in Writing between the Visiting Justices of such Prison and the Council of such Borough; and in case no Appointment of such Barrister be agreed upon by the said Parties within the Space of Fourteen Days next after such Dispute shall have arisen, such

Dispute

Dispute shall be decided by the Arbitration of a Barrister, to be named as provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament relating to the building and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in* England *and* Wales. 5 G. 4. c. 85.

An Account of such Expences to be rendered.

XXI. And be it enacted, That an Account in Writing of the Expences due and payable, or claimed to be due and payable, in respect of the Conveyance, Transport, Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be made out from Time to Time and signed by the Clerk to the Visiting Justices of the Prison to which such Prisoners shall be committed, and delivered to the Town Clerk of the Borough within which the Offences shall have been committed, and such Account shall be conclusive against such Borough, unless some Objection thereto shall be made in Writing and signed by the Town Clerk of such Borough, and delivered to the Clerk of the said Visiting Justices within One Calendar Month next after such Account shall have been delivered to such Town Clerk.

Such Boroughs to be freed from County Rate.

XXII. And be it enacted, That every such Borough as aforesaid shall be freed from contributing to any Rate in the Nature of a County Rate made for the County in which such Borough is situated, in respect of the Prosecution, Conveyance and Transport, Maintenance, and safe Custody and Care of such Prisoners as aforesaid, so long as such Expences shall be defrayed under the Provisions of this Act.

Invalidity of Grant of Sessions of the Peace not to alter Liability.

XXIII. And be it enacted, That in case any Grant of a separate Court of Sessions of the Peace, heretofore or hereafter to be made, or purported to be made, to any such Borough as aforesaid, shall be quashed, vacated, or adjudged to be invalid, such Borough shall, notwithstanding, continue to be freed from the Payment of Rates in the Nature of County Rates for such County, and liable to the Payment of the Costs of the Prosecution, Conveyance and Transport, Maintenance, safe Custody, and Care of such Prisoners as aforesaid, in the Manner herein-before provided, up to the Time at which such Grant shall have been quashed, vacated, or adjudged to be invalid, and thenceforth to the Time of holding the General or Quarter Sessions of the Peace at which the next Rate in the Nature of a County Rate shall be made in respect of the Prosecution, Conveyance and Transport, Maintenance, safe Custody, and Care of Prisoners for Offences arising within the County within which such Borough is situated, and no longer.

Act not to affect the Validity of Charters.

XXIV. And be it enacted, That nothing in this Act contained shall be deemed to affect any Question which has arisen or may hereafter arise touching the Validity of any Charter of Incorporation or Grant of a separate Court of Sessions of the Peace; but every Rate to be made or levied as last herein-before provided, and every other Proceeding under the Authority of this Act, shall be valid, whether any such Charter or Grant is valid or invalid.

Penalty for Assaults on Prison Officers.

XXV. And be it enacted, That every Person who shall assault or violently resist any Officer of a Prison in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist any such Officer, shall for every such Offence, on Conviction thereof by the Oath of One or more Witnesses, or upon his or her own Confession, before Two Justices of the Peace, be liable to a Penalty not more than Five Pounds, to be levied, if not forthwith paid, by Distress and Sale of the Goods and Chattels of the Offender, or, in the Discretion of the Justices before whom he or she shall be convicted, may be imprisoned, with or without hard Labour, for any Time not more than One Calendar Month, or if the Offender be already under Sentence of Imprisonment, then such Offender for every such Offence shall be imprisoned, with or without hard Labour, for any Time not more than Six Calendar Months, in addition to so much of the Term for which he or she was originally sentenced as may then be unexpired.

Examination previous to Reception of Convicts at Millbank Penitentiary.

XXVI. And be it enacted, That when any Convict who shall be ordered to be confined in the General Penitentiary at *Millbank* shall be brought thither, he or she shall continue in the Custody of the Person in whose Custody he or she shall have been brought to the said Penitentiary until he or she shall have been examined by the Surgeon or Apothecary of the said Penitentiary, and until it be certified by the Surgeon or Apothecary that he or she is fit to be received into the Penitentiary; and if the said Surgeon or Apothecary shall certify that he or she is not fit to be received there, he or she shall be conveyed back in the same Custody to the Prison or Place of Confinement from which he or she was brought, and the Expence of conveying him or her back shall be defrayed in the same Manner as and as Part of the Expence of bringing him or her to the said Penitentiary.

Admiralty Prisoners under Sentence of Court-martial. 5 Vict. Sess. 2. c. 22.

XXVII. 'And whereas by an Act passed in this Session of Parliament the Queen's Prison hath 'become the Prison for Admiralty Prisoners under Sentence of Courts-martial, but it is expedient to 'make other Provisions for the Custody of such Prisoners;' be it enacted, That as soon as conveniently may be after the passing of this Act all Admiralty Prisoners under Sentence of Courts-martial then in the Queen's Prison shall be removed, by Warrant under the Hand of One of Her Majesty's Principal Secretaries of State, to the General Penitentiary at *Millbank;* and that after the passing of this Act every Person who shall have been convicted by a Naval Court-martial and sentenced to Imprisonment, or who, in consequence of his Sentence, shall be liable to be detained until Execution of his Sentence can be had, shall be committed to and imprisoned in the Common Gaol of the County in which he shall be first landed or shall first arrive in *England,* or of the County in which such Court-martial shall have been holden; and the Gaoler or Keeper of such Gaol shall receive into his Custody every such Person upon receiving an Order in Writing for that Purpose under the Hand of the Lord High Admiral

of the United Kingdom, or Two of the Commissioners for executing the Office of Lord High Admiral, and the Seal of the Office of Admiralty, with a Copy of the Sentence, attested by the Secretary of the Admiralty, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until Execution of his Sentence shall be had upon him, or until he shall be discharged according to Law.

Place of Confinement of Admiralty Prisoners may be changed.

XXVIII. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement of any Offender imprisoned or detained after Sentence of a Court-martial, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody, and shall confine, pursuant to such Sentence, every such Offender.

Subsistence of Admiralty Prisoners.

XXIX. And be it enacted, That the Gaoler or other Person in whose Custody any such Offender under Sentence of a Naval Court-martial shall be shall receive the Sum of Sixpence for every Day that such Offender shall be in his Custody, to be applied towards his Subsistence, which Sum shall be paid to the said Gaoler or other Person under the Authority of the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol, Prison, or House of Correction shall be situated, with a Copy of the Order under which the Prisoner is confined.

Superannuation Allowances to Officers of Prisons.

XXX. And be it enacted, That in case any Governor, Gaoler, or Keeper, Chaplain, Assistant Chaplain, or other Officer or Servant of any Prison, shall, from confirmed Sickness, Age, or Infirmity, become incapable of executing the Duties of his or her respective Office in Person, it shall be lawful for the Persons having the Control of the Funds applicable to the Expences of that Prison, if they shall think fit, upon the Resignation of such Governor, Gaoler, or Keeper, Chaplain, Assistant Chaplain, or other Officer or Servant, and upon Report to them made by the Visiting Justices, or other Person superintending the Prison, Three Calendar Months at least before any Grant shall be made, such Report containing a Medical Certificate of such Incapacity, and Testimonials of good Conduct during the Period of Service, to grant to him or her an Annuity, by way of Superannuation Allowance, upon such Scale, with reference to the Amount of his or her Salary and Period of Service in any Prison respectively, as the Case may seem to require, not exceeding the Scale prescribed with respect to Persons in the public Service by an Act

4 & 5 W. 4. c. 24.

passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service:* Provided always, that nothing in this Act shall affect the Interests of any Governor, Gaoler, Keeper, or Chaplain appointed before the passing of this Act; and provided also, that in all Cases where it shall appear, upon the Certificate of the Medical Officer of the Prison in which the Person superannuated is serving at the Time of the Grant, that the Sickness or Infirmity whereby he or she is disabled has been caused by Service in that Prison, it shall be lawful to grant him or her any annual Allowance not exceeding One Fourth of the Salary and Emoluments of his or her Office, although he or she may not have served as a Prison Officer for Ten Years.

Sheriffs liable in Damages only for Escapes;

not to receive Poundage.

XXXI. And be it enacted, That if any Debtor in Execution shall escape out of legal Custody after the passing of this Act, the Sheriff, Bailiff, or other Person having the Custody of such Debtor shall be liable only to an Action upon the Case for Damages sustained by the Person or Persons at whose Suit such Debtor was taken or imprisoned, and shall not be liable to any Action of Debt in consequence of such Escape; and that after the First Day of *March* in the Year One thousand eight hundred and forty-three no Poundage shall be payable to Sheriffs, Bailiffs, and others, for taking the Body of any Person in Execution, but there shall be payable to the Sheriff or other Person having the Return of Writs, upon every such Execution against the Body, such Fees only as shall be allowed to be taken by Sheriffs or other Officers concerned in the Execution of Process under the Sanction and Authority of the Judges of the Courts of Common Law at *Westminster*, pursuant to the Statute passed in the First Year of the Reign of Her

7 W. 4. & 1 Vict. c. 55.

Majesty, intituled *An Act for better regulating the Fees payable to Sheriffs upon the Execution of Civil Process.*

Interpretation of Act.

XXXII. And be it enacted, That in this Act the Word "County" shall be taken to mean also Riding, Parts, Division, or Hundred; and the Word "Prison" shall be taken to mean also Gaol or House of Correction.

Extent of Act.

XXXIII. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Act may be amended, &c.

XXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

Form of Mortgage and Charge upon the Borough Rates or Gaol Rates for securing Money borrowed by the Mayor, Aldermen, and Burgesses of any Borough.

THE Mayor, Aldermen, and Burgesses of the Borough [Town *or* City] of by their Council, at a Special Meeting of the said Council, holden on the Day of in pursuance of the Powers given by an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], do hereby mortgage and charge all the Rates to be raised within the said Borough [Town *or* City] under the Description of Borough [*or* Gaol] Rates, with the Payment of which *G. H.* of hath agreed to lend, and hath now actually paid towards defraying the Expences of building [*or* rebuilding, repairing, *or* enlarging, *as the Case may be*,] the Gaol [*or* House of Correction, Court House, *or other necessary Buildings, as the Case may be*,] for the said Borough [Town *or* City]; and do hereby, by the Council aforesaid, confirm the same unto the said *G. H.*, his Executors, Administrators, and Assigns, for securing Payment of and Interest for the same, after the yearly Rate of by the Hundred; and do order the Treasurer for the said Borough [Town *or* City] to pay the Interest of the said half-yearly as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

Given under the Common Seal of the Borough [Town *or* City] this Day of in the Year

CAP. XCIX.

An Act to prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other Provisions relating to Persons working therein. [10th *August* 1842.]

'WHEREAS it is unfit that Women and Girls should be employed in any Mine or Colliery, and it is 'expedient to make Regulations regarding the Employment of Boys in Mines and Collieries, and 'to make Provisions for the Safety of Persons working therein:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall not be lawful for any Owner of any Mine or Colliery whatsoever to employ any Female Person within any Mine or Colliery, or permit any Female Person to work or be therein, for the Purpose of working therein, other than such as were at or before the passing of this Act employed within such Mine or Colliery; and that from and after Three Calendar Months from the passing of this Act it shall not be lawful for any Owner of any Mine or Colliery to employ any Female Person who at the passing of this Act shall be under the Age of Eighteen Years within any Mine or Colliery, or permit such Person to work or be therein as aforesaid; and any Indentures of Apprenticeship whereby any Female Person who at the passing of this Act was under the Age of Eighteen Years shall be bound to work or be liable to be called on to work in any Mine or Colliery shall, at the Expiration of Three Calendar Months from the passing of this Act, be absolutely void; and from and after the First Day of *March* One thousand eight hundred and forty-three it shall not be lawful for any Owner of any Mine or Colliery to employ any Female Person whatsoever within any Mine or Colliery, or to allow or permit any Female Person to work or be therein as aforesaid; and every Indenture of Apprenticeship, or other Contract or Engagement, whereby any Female Person whatsoever shall be bound to work or be liable to be called on to work within any Mine or Colliery (other than such as are before declared to be void at the End of Three Calendar Months as aforesaid) shall, from and after the said First Day of *March* One thousand eight hundred and forty-three, be absolutely void.

Females not to be employed in Mines or Collieries after the Periods herein mentioned.

Indentures of Apprenticeship of Females to be void after the Periods herein mentioned.

II. And be it enacted, That from and after the First Day of *March* One thousand eight hundred and forty-three it shall not be lawful for any Owner of any Mine or Colliery to employ any Male Person under the Age of Ten Years within any Mine or Colliery, or to permit any such Male Person to work, or be therein for the Purpose of working therein, other than such as at the passing of this Act shall have attained the Age of Nine Years, and were at or before the passing of this Act employed within such Mine or Colliery.

Males not to be employed in Mines or Collieries under Ten Years of Age, &c.

III. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, if and when he shall think fit, to appoint any proper Person or Persons to visit and inspect any Mine or Colliery; and it shall be lawful for every Person so authorized to enter and examine such Mine or Colliery, and the Works, Buildings, and Machinery belonging thereto, at all Times and Seasons, by Day or by Night, and to make Inquiry touching any Matter within the Provisions of this Act; and the Owner or Occupiers of such Mines and Collieries, or their Agents, are hereby required to furnish the Means necessary for such Person or Persons so appointed to visit and inspect such Mines and Collieries, Works, Buildings, and Machinery; and every Person to be so appointed shall report his Proceedings in the Execution of this Act in such Manner as may be directed by the Secretary of State; and he shall in like Manner report the State and Condition of the Persons working in such Mine or Colliery, and whether or not the Provisions of this Act are properly observed in the Mine or Colliery which he shall so inspect.

Appointment of Inspectors of Mines and Collieries;

who shall report as directed.

No Person to be apprenticed under 10 Years of Age, nor longer than 8 Years; and Indentures contrary to Act, or in force when Apprentice attains 18, void.

IV. And be it enacted, That from and after the passing of this Act no Person or Persons shall take any Apprentice who shall be bound to work, or be liable to be called on to work, or be otherwise occupied, within a Mine or Colliery, who shall be under the Age of Ten Years, or for a longer Term of Apprenticeship than Eight Years, except as the Apprentice of a Mason, Joiner, Engine Wright, or other Mechanic whose Services may be required occasionally below as well as above Ground; and every Indenture of Apprenticeship whereby any Person shall be hereafter bound contrary to the Provisions of this Act shall be void; and when any Person who is now serving under Articles of Apprenticeship within any Mine or Colliery shall attain the Age of Eighteen Years, he shall be discharged from such Apprenticeship, and the Articles of Apprenticeship shall become absolutely null and void.

Penalties for Offences against this Act.

V. And be it enacted, That every Person or Persons, Body or Company, offending against any of the aforesaid Provisions, shall forfeit a Sum not more than Ten Pounds nor less than Five Pounds, for every Person employed or suffered to be in a Mine or Colliery contrary to the aforesaid Provisions, to be sued for and recovered as after mentioned.

Penalty on Parents or Guardians misrepresenting Ages of Persons employed.

VI. Provided always, and be it enacted, That if it shall appear on Inquiry before any Justices under the Provisions of this Act that any Person under the Age herein-before specified has been employed in any Colliery on the Representation of the Parent or natural Guardian of such Person that he was above the Age so herein-before specified, and if it shall appear to such Justices that such Person was so employed under the *bonâ fide* Impression and Belief on the Part of the Employer that he was not under the Age so specified, it shall be lawful for such Justices, if they see fit, to remit the said Penalty as against the Party employing such Person, and to summon the Parent or natural Guardian of the Person employed to appear before them on a Day to be named for the Purpose, and on Conviction of such Parent or Guardian of having wilfully misrepresented the Age of the Person employed, such Parent or Guardian shall forfeit a Sum not exceeding Forty Shillings.

Not to affect Employment above Ground.

VII. And be it enacted, That nothing herein-before contained shall prevent any Person whatever from being employed in or about any Mine or Colliery, so as such Employment shall be carried on above Ground.

Where there are vertical or other Shafts, no Steam or other Engine to be under the Care of a Person under the Age of 15 Years.

VIII. And be it enacted, That where there shall be any Entrance to a Mine or Colliery by means of a vertical Shaft or Pit or Inclined Plane, or where there shall be any Communication within any Part of a Mine or Colliery to any other Part thereof by a vertical Shaft or Pit or Inclined Plane, then it shall not be lawful for any Owner of any such Mine or Colliery to allow any Person or Persons other than a Male of the Age of Fifteen Years and upwards to have charge of any Steam Engine or other Engine, Windlass, or Gin, (whether driven or worked by manual Labour, or any other Power whatsoever,) or to have charge of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle Persons are brought up or passed down any such vertical Shaft or Pit or Inclined Plane; and any Person or Persons offending against the Provision last aforesaid shall for every such Offence forfeit a Sum not exceeding Fifty Pounds nor less than Twenty Pounds, to be recovered as after provided.

Who deemed in charge of Windlass worked by a Horse, &c.

IX. Provided always, and be it enacted, That in the Case of a Windlass or Gin worked by a Horse or other Animal, the Person on the Bank under whose Direction the Driver of the Animal used for such Windlass or Gin shall act shall for the Purposes of this Act be deemed and taken to be the Person having the Charge thereof.

Proprietors of Mines, &c. not to pay Wages at Public Houses, &c.

X. 'And whereas the Practice of paying Wages to Workmen at Public Houses is found to be highly 'injurious to the best Interests of the Working Classes;' be it therefore enacted, That from and after the Expiration of Three Months from the passing of this Act no Proprietor or Worker of any Mine or Colliery, or other Person, shall pay or cause to be paid any Wages or Money in respect of Wages for Work or Labour or Services done in or about any Mine or Colliery to any Person employed in or about such Mine or Colliery, or to any Person whatever entitled to or having Authority or claiming to have Authority to receive such Wages, at or within any Tavern, Public House, Beer Shop, or other House of Entertainment, or any Office, Garden, or Place belonging thereto or occupied therewith, but all Payments in respect of such Wages are hereby strictly prohibited and forbidden to be made at or within such Places as aforesaid, and all Payments so made are hereby declared to be of no effect whatever.

Wages so paid recoverable as if not paid.

XI. And be it enacted, That notwithstanding any Payment of Wages or Money in respect of Wages which shall or may be made at any such prohibited Place, the Person or Persons to whom such Wages were due or payable, or but for such Payment would be due or payable, shall and may recover and receive the same in like Manner as if no such Payments had been made.]

Penalty of 10*l.* for paying Wages at Public Houses, &c.

XII. And be it enacted, That in case any Owner of any Mine or Colliery, or any Person liable or intrusted or employed to pay any Wages or Money in respect of Wages for such Work, Labour, or Services as aforesaid, shall, contrary to the Provision lastly herein-before contained, pay or cause to be paid any such Wages or Money to any Person whatever, at any such prohibited Place as aforesaid, the Person or Persons so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered as after provided.

Agents may be summoned for acting contrary to the Act without the

XIII. And be it enacted, That if any Offence shall be committed against this Act for which the Owner of any Mine or Colliery is hereby made responsible, and it shall be made to appear to the Satisfaction of any Justices or Sheriff, that the Offence has been committed by or under the Authority of some Agent, Servant, or Workman of such Owner, or by or under the Authority of a Contractor, without the personal

personal Consent, Concurrence, or Knowledge of such Owner, it shall be lawful for such Justices or Sheriff to summon such Agent, Servant, Workman, or Contractor before them or him to answer for such Offence; and such Agent, Servant, Workman, or Contractor, if convicted, shall be liable to the Penalties and Punishment for such Offence herein specified; and such Justices or Sheriff may convict such Agent, Servant, Workman, or Contractor in lieu of such Owner. Knowledge of Owners.

XIV. And be it enacted, That the "Owner" of a Mine or Colliery shall be taken to mean the immediate Proprietor or Lessee or Occupier thereof, and all Persons working any Mine or Colliery, or any Part of any Mine or Colliery, or any Lode or Seam thereof, for their own Benefit or as Sharers of the Profit, and also all Partners and Companies so working such Mine or Colliery, or any Part thereof; and the Words "Agent" and "Servant" shall be taken to mean any Person receiving a Salary, Wages, Payment, or Remuneration for any Description of Service or Work performed in a Mine or Colliery. Definition of Terms "Owner" and "Agent."

XV. And be it enacted, That it shall not be necessary, in any Information, Summons, or Warrant issued under or in consequence of the Provisions of this Act, to set forth the Name or other Designation of all the Partners in any Mine or Colliery or in the working of any such Mine or Colliery, but that it shall be sufficient to insert in any such Information, Summons, or Warrant the Name of the ostensible Proprietor, Occupier, Lessee, or Adventurer, or Title of the Firm or Company by which the Owners, Lessees, or Workers of such Mine or Colliery are usually designated and known. Summonses need not set forth Names of all the Proprietors in Cases of Partnership.

XVI. And be it enacted, That the Service of any Summons or Warrant by delivering the same or a Copy thereof at the Office or Counting-house of any Mine or Colliery shall be good and sufficient Service thereof on the Owner of such Mine or Colliery (and all Complaints for Offences against this Act shall be preferred within Three Calendar Months next after the Commission of the Offence). Service of Summons on Agent deemed good Service.

XVII. And be it enacted, That all Convictions for Penalties for any Offence against this Act may be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before such Justices or the Sheriff of any County or Stewartry in *Scotland* within which the Offence may have been committed; and such Penalties, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more of the said Justices, or under the Hand of any such Sheriff, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charge of making the same, which Warrant such Justices or Sheriffs are hereby empowered and required to grant upon Conviction of the Offender, by Confession or Oath of One or more credible Witness or Witnesses; and the Penalties, Costs, and Charges, when so levied, shall be paid, the one Half to the Informer and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offence shall have been committed, to be by such Overseers or Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in *Scotland*, in Parishes where there shall be no Assessment for the Relief of the Poor, as the said Manager shall direct, or to Her Majesty, in case there shall be no such Overseer or Manager. Recovery and Application of Penalties.

XVIII. And be it enacted, That the Justices of the Peace or Sheriffs by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same, together with Costs, either immediately or within such Period as the said Justices or Sheriffs shall think fit; and that in default of Payment at the Time appointed, and in the event of no sufficient Distress of the Goods and Chattels of such Person being found within the Limits of the Jurisdiction of the said Justices or Sheriffs, such Person shall be imprisoned in the Common Gaol or House of Correction (with or without hard Labour), as to the said Justices or Sheriffs shall seem meet, for any Time not exceeding Two Calendar Months, the Commitment to be determinable upon Payment of the Amount of the Penalty and Costs. Persons not paying Penalties may be imprisoned.

XIX. And be it enacted, That no Inhabitant of any Parish, Township, or Place shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act for any Offence committed within such Parish, Township, or Place, by reason of such Person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the Rates or Assessments of any such Parish, Township, or Place. Inhabitants of Parishes not incompetent as Witnesses.

XX. And be it enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers from the beginning on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case, to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or by Action raised or Complaint preferred in the Court of Session in *Scotland*: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceeding, if Tender of sufficient Amends for any such special Damage shall be made by or on behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceeding before such Action or Complaint brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or Orders and Distress not unlawful for Want of Form.

and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to Quarter Sessions.

XXI. And be it enacted, That any Person who shall think himself or herself aggrieved by any Conviction by any Justices of the Peace under this Act may appeal to the next Court of General or Quarter Sessions of the Peace which shall be holden not less than Fifteen Days after the Day of such Conviction for the County, Stewartry, Riding, City, Borough, Division, or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Seven Days after such Conviction, and Seven clear Days at the least before such Session, and shall also either remain in Custody until the Session, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given and such Recognizance being entered into the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatever, any Law or Usage to the contrary notwithstanding.

Convictions not removeable by Certiorari.

XXII. And be it enacted, That no Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed, by Certiorari or otherwise, into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. C.

An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture. [10th *August* 1842.]

'WHEREAS by the several Acts mentioned in the Schedule (A.) to this Act annexed, there was 'granted, in respect of the woven Fabrics therein mentioned, the sole Right to use any new and 'original Pattern for printing the same during the Period of Three Calendar Months: And whereas by 'the Act mentioned in the Schedule (B.) to this Act annexed, there was granted, in respect of all 'Articles, except Lace, and except the Articles within the Meaning of the Acts herein-before referred to, 'the sole Right of using any new and original Design, for certain Purposes, during the respective Periods 'therein mentioned; but forasmuch as the Protection afforded by the said Acts in respect of the Appli-'cation of Designs to certain Articles of Manufacture is insufficient, it is expedient to extend the same, 'but upon the Conditions herein-after expressed;' now, for that Purpose, and for the Purpose of consolidating the Provisions of the said Acts, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation on the First Day of *September* One thousand eight hundred and forty-two, and that thereupon all the said Acts mentioned in the said Schedules (A.) and (B.) to this Act annexed shall be and they are hereby repealed.

Commencement of Act, and Repeal of former Acts.

Proviso as to existing Copyrights.

II. Provided always, and be it enacted, That notwithstanding such Repeal of the said Acts, every Copyright in force under the same shall continue in force till the Expiration of such Copyright; and with regard to all Offences or Injuries committed against any such Copyright before this Act shall come into operation, every Penalty imposed and every Remedy given by the said Acts, in relation to any such Offence or Injury, shall be applicable as if such Acts had not been repealed; but with regard to such Offences or Injuries committed against any such Copyright after this Act shall come into operation, every Penalty imposed and every Remedy given by this Act in relation to any such Offence or Injury shall be applicable as if such Copyright had been conferred by this Act.

Grant of Copyright.

III. And with regard to any new and original Design (except for Sculpture and other Things within the Provisions of the several Acts mentioned in the Schedule (C.) to this Act annexed), whether such Design be applicable to the ornamenting of any Article of Manufacture, or of any Substance, artificial or natural, or partly artificial and partly natural, and that whether such Design be so applicable for the Pattern, or for the Shape or Configuration, or for the Ornament thereof, or for any Two or more of such Purposes, and by whatever Means such Design may be so applicable, whether by printing, or by painting, or by Embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other Means whatsoever, manual, mechanical, or chemical, separate or combined; be it enacted, That the Proprietor of every such Design, not previously published either within the United Kingdom of *Great Britain* and *Ireland*, or elsewhere, shall have the sole Right to apply the same to any Articles of Manufacture, or to any such Substances as aforesaid, provided the same be done

done within the United Kingdom of *Great Britain* and *Ireland*, for the respective Terms herein-after mentioned, such respective Terms to be computed from the Time of such Design being registered according to this Act; (that is to say,)

In respect of the Application of any such Design to ornamenting any Article of Manufacture contained in the First, Second, Third, Fourth, Fifth, Sixth, Eighth, or Eleventh of the Classes following, for the Term of Three Years:

In respect of the Application of any such Design to ornamenting any Article of Manufacture contained in the Seventh, Ninth, or Tenth of the Classes following, for the Term of Nine Calendar Months:

In respect of the Application of any such Design to ornamenting any Article of Manufacture or Substance contained in the Twelfth or Thirteenth of the Classes following, for the Term of Twelve Calendar Months:

Class 1.—Articles of Manufacture composed wholly or chiefly of any Metal or mixed Metals:
Class 2.—Articles of Manufacture composed wholly or chiefly of Wood:
Class 3.—Articles of Manufacture composed wholly or chiefly of Glass:
Class 4.—Articles of Manufacture composed wholly or chiefly of Earthenware:
Class 5.—Paper Hangings:
Class 6.—Carpets:
Class 7.—Shawls, if the Design be applied solely by printing, or by any other Process by which Colours are or may hereafter be produced upon Tissue or textile Fabrics:
Class 8.—Shawls not comprised in Class 7:
Class 9.—Yarn, Thread, or Warp, if the Design be applied by printing or by any other Process by which Colours are or may hereafter be produced:
Class 10.—Woven Fabrics, composed of Linen, Cotton, Wool, Silk, or Hair, or of any Two or more of such Materials, if the Design be applied by printing, or by any other Process by which Colours are or may hereafter be produced upon Tissue or textile Fabrics; excepting the Articles included in Class 11:
Class 11.—Woven Fabrics, composed of Linen, Cotton, Wool, Silk, or Hair, or of any Two or more of such Materials, if the Design be applied by printing, or by any other Process by which Colours are or may hereafter be produced upon Tissue or textile Fabrics, such woven Fabrics being or coming within the Description technically called Furnitures, and the Repeat of the Design whereof shall be more than Twelve Inches by Eight Inches:
Class 12.—Woven Fabrics, not comprised in any preceding Class:
Class 13.—Lace, and any Article of Manufacture or Substance not comprised in any preceding Class.

Conditions of Copyright.

IV. Provided always, and be it enacted, That no Person shall be entitled to the Benefit of this Act, with regard to any Design in respect of the Application thereof to ornamenting any Article of Manufacture, or any such Substance, unless such Design have before Publication thereof been registered according to this Act, and unless at the Time of such Registration such Design have been registered in respect of the Application thereof to some or one of the Articles of Manufacture or Substances comprised in the above-mentioned Classes, by specifying the Number of the Class in respect of which such Registration is made, and unless the Name of such Person shall be registered according to this Act as a Proprietor of such Design, and unless after Publication of such Design every such Article of Manufacture, or such Substance to which the same shall be so applied, published by him, hath thereon, if the Article of Manufacture be a woven Fabric for printing, at one End thereof, or, if of any other Kind or such Substance as aforesaid, at the End or Edge thereof, or other convenient Place thereon, the Letters "R^d," together with such Number or Letter, or Number and Letter, and in such Form as shall correspond with the Date of the Registration of such Design according to the Registry of Designs in that Behalf; and such Marks may be put on any such Article of Manufacture or such Substance, either by making the same in or on the Material itself of which such Article or such Substance shall consist, or by attaching thereto a Label containing such Marks.

Registration.

Marks denoting a registered Design.

The Term "Proprietor" explained.

V. And be it enacted, That the Author of any such new and original Design shall be considered the Proprietor thereof, unless he have executed the Work on behalf of another Person for a good or a valuable Consideration, in which Case such Person shall be considered the Proprietor, and shall be entitled to be registered in the Place of the Author; and every Person acquiring for a good or a valuable Consideration a new and original Design, or the Right to apply the same to ornamenting any One or more Articles of Manufacture, or any One or more such Substances as aforesaid, either exclusively of any other Person or otherwise, and also every Person upon whom the Property in such Design or such Right to the Application thereof shall devolve, shall be considered the Proprietor of the Design in the respect in which the same may have been so acquired, and to that Extent, but not otherwise.

Transfer of Copyright, and Register thereof.

VI. And be it enacted, That every Person purchasing or otherwise acquiring the Right to the entire or partial Use of any such Design may enter his Title in the Register hereby provided, and any Writing purporting to be a Transfer of such Design and signed by the Proprietor thereof shall operate as an effectual Transfer; and the Registrar shall, on Request, and the Production of such Writing, or in the Case of acquiring such Right by any other Mode than that of Purchase on the Production of any Evidence to the Satisfaction of the Registrar, insert the Name of the new Proprietor in the Register; and the following may be the Form of such Transfer, and of such Request to the Registrar:

Form

Form of Transfer, and Authority to register.

'I *A.B.* Author [*or* Proprietor] of Design, No. having transferred my Right thereto, [*or, if such Transfer be partial,*] so far as regards the ornamenting of [*describe the Articles of Manufacture or Substances, or the Locality with respect to which the Right is transferred,*] to *B. C* of do hereby authorize you to insert his Name on the Register of Designs accordingly.'

Form of Request to register.

'I *B. C.*, the Person mentioned in the above Transfer, do request you to register my Name and Property in the said Design as entitled [*if to the entire Use*] to the entire Use of such Design, [*or, if to the partial Use,*] to the partial Use of such Design, so far as regards the Application thereof [*describe the Articles of Manufacture, or the Locality in relation to which the Right is transferred*].'

But if such Request to register be made by any Person to whom any such Design shall devolve otherwise than by Transfer, such Request may be in the following Form:

'I *C.D.*, in whom is vested by [*state Bankruptcy or otherwise*] the Design, No. [*or if such Devolution be of a partial Right,* so far as regards the Application thereof] to [*describe the Articles of Manufacture or Substance, or the Locality in relation to which the Right has devolved*].'

Piracy of Designs.

VII. And for preventing the Piracy of registered Designs, be it enacted, That during the Existence of any such Right to the entire or partial Use of any such Design no Person shall either do or cause to be done any of the following Acts with regard to any Articles of Manufacture, or Substances, in respect of which the Copyright of such Design shall be in force, without the Licence or Consent in Writing of the registered Proprietor thereof; (that is to say,)

No Person shall apply any such Design, or any fraudulent Imitation thereof for the Purpose of Sale, to the ornamenting of any Article of Manufacture, or any Substance, artificial or natural, or partly artificial and partly natural:

No Person shall publish, sell, or expose for Sale any Article of Manufacture, or any Substance, to which such Design, or any fraudulent Imitation thereof, shall have been so applied, after having received, either verbally or in Writing, or otherwise from any Source other than the Proprietor of such Design, Knowledge that his Consent has not been given to such Application, or after having been served with or had left at his Premises a written Notice signed by such Proprietor or his Agent to the same Effect.

Recovery of Penalties for Piracy.

VIII. And be it enacted, That if any Person commit any such Act he shall for every Offence forfeit a Sum not less than Five Pounds and not exceeding Thirty Pounds to the Proprietor of the Design in respect of whose Right such Offence has been committed; and such Proprietor may recover such Penalty as follows:

In *England,* either by an Action of Debt or on the Case against the Party offending, or by summary Proceeding before Two Justices having Jurisdiction where the Party offending resides; and if such Proprietor proceed by such summary Proceeding, any Justice of the Peace acting for the County, Riding, Division, City, or Borough where the Party offending resides, and not being concerned either in the Sale or Manufacture of the Article of Manufacture, or in the Design to which such summary Proceeding relates, may issue a Summons requiring such Party to appear on a Day and at a Time and Place to be named in such Summons, such Time not being less than Eight Days from the Date thereof; and every such Summons shall be served on the Party offending, either in Person or at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, any Two or more of such Justices may proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party offending, or upon the Oath or Affirmation of One or more credible Witnesses, which such Justices are hereby authorized to administer, may convict the Offender in a Penalty of not less than Five Pounds or more than Thirty Pounds, as aforesaid, for each Offence, as to such Justices doth seem fit; but the aggregate Amount of Penalties for Offences in respect of any one Design committed by any one Person, up to the Time at which any of the Proceedings herein mentioned shall be instituted, shall not exceed the Sum of One hundred Pounds; and if the Amount of such Penalty or of such Penalties, and the Costs attending the Conviction, so assessed by such Justices, be not forthwith paid, the Amount of the Penalty or of the Penalties, and of the Costs, together with the Costs of the Distress and Sale, shall be levied by Distress and Sale of the Goods and Chattels of the Offender, wherever the same happen to be in *England;* and the Justices before whom the Party has been convicted, or, on Proof of the Conviction, any Two Justices acting for any County, Riding, Division, City, or Borough in *England,* where Goods and Chattels of the Person offending happen to be, may grant a Warrant for such Distress and Sale; and the Overplus, if any, shall be returned to the Owner of the Goods and Chattels, on Demand; and every Information and Conviction which shall be respectively laid or made in such summary Proceeding before Two Justices under this Act may be drawn or made out in the following Forms respectively, or to the Effect thereof, *mutatis mutandis,* as the Case may require:

Form of Information.

'BE it remembered, That on the at in the County of *A.B.* of in the County of [*or C.D.* of in the County of at the Instance and on the Behalf of *A.B.* of in the County of] cometh before us and Two of Her Majesty's Justices

'Justices of the Peace in and for the County of , and giveth us to understand that 'the said *A.B.*, before and at the Time when the Offence herein-after mentioned was committed, 'was the Proprietor of a new and original Design for [*here describe the Design*], and that within 'Twelve Calendar Months last past, to wit, on the at in the County 'of *E.F.* of in the County of did [*here describe the* 'Offence], contrary to the Form of the Act passed in the Year of the Reign of Her 'present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of* 'Designs for ornamenting Articles of Manufacture.'

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord 'at in the County of *E.F.* of in the 'County aforesaid is convicted before us and Two of Her Majesty's 'Justices of the Peace for the said County, for that he the said *E.F.* on the Day of 'in the Year at in the County of did '[*here describe the Offence*] contrary to the Form of the Statute in that Case made and provided; 'and we the said Justices do adjudge that the said *E.F.* for his Offence aforesaid hath forfeited the 'Sum of to the said *A.B.*'

In *Scotland*, by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County where the Offence may be committed or the Offender resides, who, upon Proof of the Offence or Offences, either by Confession of the Party offending or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender and find him liable in the Penalty or Penalties aforesaid, as also in Expences; and it shall be lawful for the Sheriff, in pronouncing such Judgment for the Penalty or Penalties and Costs, to insert in such Judgment a Warrant, in the event of such Penalty or Penalties and Costs not being paid, to levy and recover the Amount of the same by Poinding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzieing the Defender, to find the Complainer liable in Expences; and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise:

In *Ireland*, either by Action in a Superior Court of Law at *Dublin* or by Civil Bill in the Civil Bill Court of the County or Place where the Offence was committed.

Proviso as to Action for Damages.

IX. Provided always, and be it enacted, That notwithstanding the Remedies hereby given for the Recovery of any such Penalty as aforesaid, it shall be lawful for the Proprietor in respect of whose Right such Penalty shall have been incurred (if he shall elect to do so) to bring such Action as he may be entitled to for the Recovery of any Damages which he shall have sustained, either by the Application of any such Design or of a fraudulent Imitation thereof, for the Purpose of Sale, to any Articles of Manufacture or Substances, or by the Publication, Sale or Exposure to Sale, as aforesaid, by any Person, of any Article or Substance to which such Design or any fraudulent Imitation thereof shall have been so applied, such Person knowing that the Proprietor of such Design had not given his Consent to such Application.

Registration may in some Cases be cancelled or amended.

X. And be it enacted, That in any Suit in Equity which may be instituted by the Proprietor of any Design or the Person lawfully entitled thereto, relative to such Design, if it shall appear to the Satisfaction of the Judge having Cognizance of such Suit that the Design has been registered in the Name of a Person not being the Proprietor or lawfully entitled thereto, it shall be competent for such Judge, in his Discretion, by a Decree or Order in such Suit to direct either that such Registration be cancelled (in which Case the same shall thenceforth be wholly void), or that the Name of the Proprietor of such Design, or other Person lawfully entitled thereto, be substituted in the Register for the Name of such wrongful Proprietor or Claimant, in like Manner as is herein-before directed in case of the Transfer of a Design, and to make such Order respecting the Costs of such Cancellation or Substitution, and of all Proceedings to procure and effect the same, as he shall think fit; and the Registrar is hereby authorized and required, upon being served with an official Copy of such Decree or Order, and upon Payment of the proper Fee, to comply with the Tenor of such Decree or Order, and either cancel such Registration or substitute such new Name, as the Case may be.

Penalty for wrongfully using Marks denoting a registered Design.

XI. And be it enacted, That unless a Design applied to ornamenting any Article of Manufacture or any such Substance as aforesaid be so registered as aforesaid, and unless such Design so registered shall have been applied to the ornamenting such Article or Substance within the United Kingdom of *Great Britain* and *Ireland*, and also after the Copyright of such Design in relation to such Article or Substance shall have expired, it shall be unlawful to put on any such Article or such Substance, in the Manner herein-before required with respect to Articles or Substances whereto shall be applied a registered Design, the Marks herein-before required to be so applied, or any Marks corresponding therewith or similar thereto; and if any Person shall so unlawfully apply any such Marks, or shall publish, sell, or expose for Sale any Article of Manufacture or any Substance with any such Marks so unlawfully applied, knowing that any such Marks have been unlawfully applied, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, which may be recovered by any Person proceeding for the same by any of the Ways herein-before directed with respect to Penalties for pirating any such Design.

Limitation of Actions.

XII. And be it enacted, That no Action or other Proceeding for any Offence or Injury under this Act shall be brought after the Expiration of Twelve Calendar Months from the Commission of the Offence;

and in every such Action or other Proceeding the Party who shall prevail shall recover his full Costs of Suit or of such other Proceeding.

Justices may order Payment of Costs in Cases of summary Proceeding.

XIII. And be it enacted, That in the Case of any summary Proceeding before any Two Justices in *England* such Justices are hereby authorized to award Payment of Costs to the Party prevailing, and to grant a Warrant for enforcing Payment thereof against the summoning Party, if unsuccessful, in the like Manner as is herein-before provided for recovering any Penalty with Costs against any Offender under this Act.

Registrar, &c. of Designs to be appointed.

XIV. And for the Purpose of registering Designs for Articles of Manufacture, in order to obtain the Protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations may appoint a Person to be a Registrar of Designs for ornamenting Articles of Manufacture, and if the Lords of the said Committee see fit, a Deputy Registrar, Clerks, and other necessary Officers and Servants; and such Registrar, Deputy Registrar, Clerks, Officers, and Servants, shall hold their Offices during the Pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from Time to Time fix the Salary or Remuneration of such Registrar, Deputy Registrar, Clerks, Officers, and Servants; and, subject to the Provisions of this Act, the Lords of the said Committee may make Rules for regulating the Execution of the Duties of the Office of the said Registrar; and such Registrar shall have a Seal of Office.

Registrar's Duties.

XV. And be it enacted, That the said Registrar shall not register any Design in respect of any Application thereof to ornamenting any Articles of Manufacture or Substances, unless he be furnished, in respect of each such Application, with Two Copies, Drawings, or Prints of such Design, accompanied with the Name of every Person who shall claim to be Proprietor, or of the Style or Title of the Firm under which such Proprietor may be trading, with his Place of Abode or Place of carrying on his Business, or other Place of Address, and the Number of the Class in respect of which such Registration is made; and the Registrar shall register all such Copies, Drawings, or Prints, from Time to Time successively, as they are received by him for that Purpose; and on every such Copy, Drawing, or Print he shall affix a Number corresponding to such Succession; and he shall retain One Copy, Drawing, or Print, which he shall file in his Office, and the other he shall return to the Person by whom the same has been forwarded to him; and in order to give ready Access to the Copies of Designs so registered, he shall class such Copies of Designs, and keep a proper Index of each Class.

Certificate of Registration of Design.

XVI. And be it enacted, That upon every Copy, Drawing, or Print of an original Design so returned to the Person registering as aforesaid, or attached thereto, and upon every Copy, Drawing, or Print thereof received for the Purpose of such Registration, or of the Transfer of such Design being certified thereon or attached thereto, the Registrar shall certify under his Hand that the Design has been so registered, the Date of such Registration, and the Name of the registered Proprietor or the Style or Title of the Firm under which such Proprietor may be trading, with his Place of Abode or Place of carrying on his Business, or other Place of Address, and also the Number of such Design, together with such Number or Letter, or Number and Letter, and in such Form as shall be employed by him to denote or correspond with the Date of such Registration; and such Certificate made on every such original Design, or on such Copy thereof, and purporting to be signed by the Registar or Deputy Registrar, and purporting to have the Seal of Office of such Registrar affixed thereto, shall, in the Absence of Evidence to the contrary, be sufficient Proof, as follows,

Of the Design, and of the Name of the Proprietor therein mentioned, having been duly registered; and

Of the Commencement of the Period of Registry; and

Of the Person named therein as Proprietor being the Proprietor; and

Of the Originality of the Design; and

Of the Provisions of this Act, and of any Rule under which the Certificate appears to be made, having been complied with:

And any such Writing purporting to be such Certificate shall, in the Absence of Evidence to the contrary, be received as Evidence, without Proof of the Handwriting of the Signature thereto, or of the Seal of Office affixed thereto, or of the Person signing the same being the Registrar or Deputy Registrar.

Inspection of registered Designs.

XVII. And be it enacted, That every Person shall be at liberty to inspect any Design whereof the Copyright shall have expired, paying only such Fee as shall be appointed by virtue of this Act in that Behalf; but with regard to Designs whereof the Copyright shall not have expired, no such Design shall be open to Inspection, except by a Proprietor of such Design or by any Person authorized by him in Writing, or by any Person specially authorized by the Registrar, and then only in the Presence of such Registrar or in the Presence of some Person holding an Appointment under this Act, and not so as to take a Copy of any such Design or of any Part thereof, nor without paying for every such Inspection such Fee as aforesaid: Provided always, that it shall be lawful for the said Registrar to give to any Person applying to him, and producing a particular Design, together with the Registration Mark thereof, or producing such Registration Mark only, a Certificate stating whether of such Design there be any Copyright existing, and if there be, in respect to what particular Article of Manufacture or Substance such Copyright exists, and the Term of such Copyright, and the Date of Registration, and also the Name and Address of the registered Proprietor thereof.

Application of Fees of Registration.

XVIII. And be it enacted, That the Commissioners of the Treasury shall from Time to Time fix Fees to be paid for the Services to be performed by the Registrar, as they shall deem requisite, to defray the Expences of the said Office, and the Salaries or other Remuneration of the said Registrar, and of any other

other Persons employed under him, with the Sanction of the Commissioners of the Treasury, in the Execution of this Act; and the Balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster;* and the Commissioners of the Treasury may regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the Payment of such Fees in any Cases where they may think it expedient so to do: Provided always, that the Fee for registering a Design to be applied to any woven Fabric, mentioned or comprised in Classes 7, 9, or 10, shall not exceed the Sum of One Shilling; that the Fee for registering a Design to be applied to a Paper Hanging shall not exceed the Sum of Ten Shillings; and that the Fee to be received by the Registrar for giving a Certificate relative to the Existence or Expiration of any Copyright in any Design printed on any woven Fabric, Yarn, Thread, or Warp, or printed, embossed, or worked on any Paper Hanging, to any Person exhibiting a Piece End of a registered Pattern, with the Registration Mark thereon, shall not exceed the Sum of Two Shillings and Sixpence.

Penalty for Extortion.

XIX. And be it enacted, That if either the Registrar or any Person employed under him either demand or receive any Gratuity or Reward, whether in Money or otherwise, except the Salary or Remuneration authorized by the Commissioners of the Treasury, he shall forfeit for every such Offence Fifty Pounds to any Person suing for the same by Action of Debt in the Court of Exchequer at *Westminster;* and he shall also be liable to be either suspended or dismissed from his Office, and rendered incapable of holding any Situation in the said Office, as the Commissioners of the Treasury see fit.

Interpretation of Act.

XX. And for the Interpretation of this Act, be it enacted, That the following Terms and Expressions, so far as they are not repugnant to the Context of this Act, shall be construed as follows; (that is to say,) the Expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them; and the Singular Number shall include the Plural as well as the Singular Number; and the Masculine Gender shall include the Feminine Gender as well as the Masculine Gender.

Act may be amended, &c. this Session.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

DATE OF ACTS.	TITLE.
27 Geo. 3. c. 38. (1787.)	An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
29 Geo. 3. c. 19. (1789.)	An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
34 Geo. 3. c. 23. (1794.)	An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
2 Vict. c. 13. (1839.)	An Act for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics.

SCHEDULE (B.)

DATE OF ACT.	TITLE.
2 Vict. c. 17. (1839.)	An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.

SCHEDULE (C.)

DATE OF ACTS.	TITLE.
38 Geo. 3. c. 71. (1798.)	An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned.
54 Geo. 3. c. 56. (1814.)	An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts.

CAP. CI.

An Act for extending to the Governors and Officers of the *East India* Company the Powers given by an Act of the Fifth Year of King *George* the Fourth to Her Majesty's Governors and Officers for the more effectual Suppression of the Importation of Slaves into *India* by Sea. [10th *August* 1842.]

5 G. 4. c. 113.

'WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, various Provisions are made for the more effectual Suppression of the Importation of Slaves into Her Majesty's Colonies and Plantations, and various Powers and Authorities are given to the Governors, Lieutenant Governors, and other Persons exercising the Authority of Governors in Her Majesty's Colonies and Plantations, and to Her Majesty's Officers there, Civil and Military, for the more effectual Suppression of the Importation of Slaves into such Colonies and Plantations by Sea, and for the Punishment of all Persons guilty of the Crime of introducing or attempting to introduce Slaves into any such Colonies or Plantations: And whereas it is expedient that Powers and Authorities by the said recited Act given to the Governor or Lieutenant Governor, or other Person exercising the Authority of Governor, in the Colonies, Plantations, or other Places therein referred to, should be extended to and vested in the respective Governors of the several Presidencies or Places within the Territories under the Government of the *East India* Company, and that all Powers and Authorities thereby given to Her Majesty's Officers, Civil and Military, should be extended to and vested in the Officers of the *East India* Company, Civil and Military, within the Territories under the Government of the said Company;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Powers and Authorities by the said recited Act of the Fifth Year of the Reign of King *George* the Fourth given to or vested in the Governors or Lieutenant Governors, or other Persons exercising the Authority of Governors in Her Majesty's Colonies, Plantations, or other Places in the said recited Act referred to, for the more effectual Suppression of the Importation of Slaves into such Colonies, Plantations, or other Places by Sea, and for the more effectual Punishment of all Persons guilty of the Crime of introducing or attempting to introduce Slaves into any such Colonies, Plantations, or Places by Sea, shall be and the same are hereby expressly given to and vested in the several and respective Governors of the several and respective Presidencies and Places within the Territories under the Government of the *East India* Company, and the Persons having the chief Civil or the chief Military Authorities at or near the Places where any Offence made cognizable by or under this Act shall have been committed or attempted to be committed; and that the Powers and Authorities by the said recited Act given to or vested in Her Majesty's Officers, Civil and Military, for the like Purpose, shall be and are hereby given to and vested in the several Officers of the *East India* Company, Civil and Military.

Extending Powers of recited Act to Governors of the Presidencies under the East India Company's Government.

CAP. CII.

An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament. [10th *August* 1842.]

'WHEREAS it has become notorious that extensive Bribery prevails in many Places in the Election of Members to serve in Parliament, and that the Laws now in force are insufficient for the Discovery thereof; and it is expedient that further Powers be given for that Purpose, and for collecting Evidence on which to found further Proceedings in regard to Places in which Bribery shall be found to have been generally or extensively practised;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if after a Committee shall have been nominated for the Trial of an Election Petition, in which Bribery shall be charged to have been committed, the Petition shall be withdrawn, or the Charges of Bribery therein contained, or any other Charge of Bribery which shall have been made or stated before such Committee, whether in support of any Petition complaining of the Return, or by way of Recrimination, or in answer to any Petition, shall be withdrawn, abandoned, or not *bonâ fide* prosecuted before the said Committee, it shall and may be lawful for such Committee in its Discretion to examine into and ascertain the Circumstances under which such Withdrawal, Abandonment, or Forbearance to prosecute such Charges as aforesaid shall have taken place, and whether the same has been the Matter of Compromise, Arrangement, or Understanding, covert or otherwise, in order to avoid the Discovery of Bribery at the said Election; and the said Committee shall be authorized, if it shall think fit, to state in their Report upon the Election Petition any special Matter relating to the Cause and Reason of the Abandonment or Forbearance to prosecute the said Charges; and for more effectual Discovery of the Truth of the Matters so to be inquired into full Power and Authority is hereby given to such Committee to examine (as Witnesses subject to the ordinary Rules of Evidence) the Sitting Member or Members, or Candidate or Candidates at the said Election, and their several and respective Agents, and all other Persons whomsoever, touching and concerning such Withdrawal, Abandonment, or Forbearance to prosecute such Charges.

Election Committees authorized to ascertain the Cause of the Abandonment of Charges of Bribery, and to report.

II. And be it enacted, That if any Committee nominated to try an Election Petition shall recommend that further Inquiry and Investigation should be made regarding Bribery at such Election, in that Case the

If a Committee recommend

the Speaker shall nominate an Agent to prosecute the Investigation into the Matter of the said Bribery; and the said Committee shall, within Fourteen Days from the Time of their having made their Report on the Election Petition, re-assemble, and shall inquire and ascertain whether Bribery was or was not practised at the said Election, and to what Extent, and shall specially report to the House all such Matters relating to the said Bribery, and the Parties implicated or concerned therein, as to the said Committee shall seem expedient. further Inquiry, the Speaker to nominate a Prosecutor, and Committee to re-assemble.

III. And be it enacted, That the said Committee, when so re-assembled, shall possess, and are hereby authorized to exercise, according to their Discretion, all and every the Powers and Authorities relating to the Examination of Members of Parliament, Candidates, Agents, and all other Persons whomsoever, and to the Production of Papers and Writings relating to the Matter under Inquiry, as were possessed or might have been exercised by the said Committee upon the Trial of the said Election Petition. A Committee so re-assembled to possess all the Powers of Election Committees.

IV. And be it enacted, That every Petition to the House of Commons, complaining that general or extensive Bribery has prevailed at the then last or any previous Election of a Member or Members to serve in Parliament for any County, Borough, or Place, which shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, and which shall be presented after the Time limited by the House for presenting Election Petitions, and within Three Calendar Months next after some One or more of the Acts of Bribery charged therein shall have been committed, if the House be then sitting, or if such Period shall expire during an Adjournment of the House for the *Easter* or *Christmas* Holidays, or during a Prorogation of Parliament, then within Two Days after the End of such Adjournment, or within Thirty Days after the Beginning of the next Session, shall be inquired into by a Committee to be appointed in all respects as a Committee for trying an Election Petition; and for this Purpose such Petition shall be referred to the General Committee of Elections, who, in case the Examiner of Recognizances shall report that the Recognizances in respect of such Petition are sufficient, pursuant to the Provisions herein-after contained, shall give the same Notices and proceed in the same Manner in appointing such Committee as in appointing an Election Committee under an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections;* and all the Powers, Clauses, and Provisions in that or any other Act for the Time being in force for regulating the Trial of controverted Elections shall be taken to apply to the said Committee and its Proceedings, and to all Petitioners, Parties, Witnesses, and others respectively; and the said Committee shall inquire and ascertain whether Bribery was or was not practised at the said Election, and shall specially report to the House all such Matters relating to the said Bribery, and the Parties implicated or concerned therein, as to the said Committee shall seem expedient: Provided always, that if the Committee shall report that there was reasonable and probable Ground for the Allegations of the Petition, the said Committee shall have Power to order that the Costs of the Petitioners shall be borne as in the Case of a Committee on any public Matter ordered by the House of Commons. A Petition alleging general Bribery, if presented within the Times herein mentioned, shall be referred to the General Committee, and proceeded with as other Petitions. 4 & 5 Vict. c. 53. Costs.

V. Provided always, and be it enacted, That the said Committee shall (before any other Matter of the said Petition) inquire whether any of the said Acts of Bribery charged therein had been committed within Three Months next before the Time of presenting the said Petition, and unless it shall be proved to the Satisfaction of the said Committee that One or more of the Acts of Bribery charged in the said Petition had been committed within the said Period of Three Months, the said Committee shall not further proceed with the Matter of the said Petition. Committee to proceed only as to Bribery committed within Three Months before presenting Petition.

VI. Provided always, and be it enacted, That if any Election Petition containing a Charge of Bribery shall be withdrawn before a Committee shall be appointed for the Purpose of trying such Petition, any Petition complaining that general or extensive Bribery has prevailed at such Election, and which shall be subscribed as above provided, which shall be presented to the House at any Time within Twenty-one Days of the Withdrawal of such Election Petition being notified to the House, or if such Period shall expire during an Adjournment of the House for the *Easter* or *Christmas* Holidays, or during a Prorogation of Parliament, then within Two Days after the End of such Adjournment, or within Fourteen Days after the Beginning of the next Session, such Petition shall, notwithstanding that Three Calendar Months may have elapsed since any of the Acts of Bribery charged therein shall have been committed, be dealt with in like Manner in all respects as above provided in the Case of a Petition presented within Three Calendar Months next after some One or more of the Acts of Bribery charged therein shall have been committed. Proceedings in case an Election Petition is withdrawn before a Committee is appointed for trying the same.

VII. Provided always, and be it enacted, That no such Petition as aforesaid shall be referred as herein-before provided, unless some Time before Three of the Clock in the Afternoon of the Seventh Day after the Day on which such Petition shall have been presented, a Recognizance or Recognizances shall be entered into by Two Persons, each in the Sum of Two hundred and fifty Pounds, or by One Person in the Sum of Five hundred Pounds, conditioned to be forfeited unless such Persons shall establish and prove to the Satisfaction of the Committee to which the Petition shall be referred that there was reasonable and probable Ground for the Allegations contained in such Petition. Petitioners to enter into Recognizance.

VIII. And be it enacted, That the Chairman of any such Committee, with the Authority and Sanction of such Committee, shall certify under his Hand whether such Recognizance has been forfeited; and in case the said Chairman shall certify that such Recognizance has been forfeited, the Sum or Sums mentioned Recognizances forfeited, how recoverable.

tioned in such Recognizance shall be absolutely forfeited, and shall be recoverable from the Party or Parties who shall have entered into such Recognizance by Information by the Attorney General; and upon such Information being filed, and upon Production of the said Recognizance and Certificate, with an Affidavit of the Signature thereto, final Judgment may be signed upon such Information, and Execution may be forthwith issued to levy the same: Provided always, that if the Handwriting of the Chairman of the Committee, by whom the Certificate shall have been signed, be duly verified, the Validity of such Certificate shall not be called in question in any Court upon the Allegation of any Matter previous to the Date thereof.

Recognizances how to be entered into.

IX. And be it enacted, That the said Recognizances shall be entered into the same Manner, and before the same Parties, and with the like Affidavit of Sufficiency, as the Recognizances of Sureties in the Case of Election Petitions.

Recognizances, when entered into, to be reported to the Speaker, and public Notice thereof to be given.

X. And be it enacted, That upon any such Recognizances being entered into before the Examiner of Recognizances, or received by him, with the Affidavit thereunto annexed, he shall forthwith report the same to the Speaker; and upon Receipt of any such Report the Speaker shall communicate the same to the House, and shall also cause Notice thereof to be immediately sent by the Post to the Returning Officer for the Place for which the Election to which such Petition shall relate was held; and such Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the Town Hall or of the Parish Church of or nearest to the Place for which such Election was held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London* Gazettes.

Objections to Recognizances, by whom and within what Time to be taken.

XI. And be it enacted, That it shall be lawful for any Person who shall have been a Candidate at the Election to which such Petition shall relate, and for any Person complained of in such Petition, and for any Person having for the Time being a Right to vote for a Member to serve in Parliament for the Place to which such Petition shall relate, or having in fact voted at the Election to which such Petition shall relate, to object to the Parties or either of them who shall have entered into any such Recognizance, on the same Grounds as those on which Sureties entering into Recognizances in the Case of Election Petitions may be objected to; provided, that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days after the Day of the Date of the Gazette in which such Notice as aforesaid shall be inserted, if the Party objected to reside in *England*, or within Fourteen Days after such Date if the Party objected to reside in *Scotland* or *Ireland*.

Proceedings for determining Objections to Recognizances.

XII. And be it enacted, That for the Purpose of ascertaining and reporting upon the Sufficiency of the Parties who shall have entered into any such Recognizance, such Recognizance shall be dealt with in all respects as Recognizances entered into by Sureties in the Case of Election Petitions; and all the Provisions of the said Act of the Fifth Year of Her present Majesty, or of any other Act for the Time being in force for regulating the Trial of controverted Elections, which relate to the Mode of taking Objections to Sureties and to the Proceedings consequential thereon, shall be applicable and in force with regard to the Recognizances required to be entered into under the Provisions of this Act.

Committees under this Act not to have Power to affect the Seat in Parliament.

XIII. Provided always, and it is hereby enacted and declared, That no Committee who shall re-assemble under the Provisions herein-before contained, nor any Committee appointed to investigate the Matter of any Petition which may be presented after the Time limited for presenting Election Petitions, as herein also provided, shall possess any Power or Authority to determine or in any way affect the Seat or Return of any Member or Members of the House of Commons, or the issuing or restraining the Issue of any Writ for the Election of a Member or Members of Parliament.

For defraying the Expences of Prosecution.

XIV. And be it enacted, That upon the Prosecution of any Inquiry under the Authority of this Act by an Agent appointed by the Speaker as herein is provided, every such Agent is hereby authorized from Time to Time to certify under his Hand to the Commissioners of Her Majesty's Treasury what Sum and Sums of Money is or are required to meet the necessary Expences for effectually prosecuting any such Inquiry, including the Sums proper and necessary to be paid to and for the Witnesses who may be required to attend the Inquiry to which such Certificate may relate; and the said Commissioners of Her Majesty's Treasury shall be authorized to advance to the said Agent from Time to Time such Sums as shall be needed for the Purposes aforesaid, which Sums, or so much thereof as shall be levied under any Order for the Payment of Costs as herein-after provided, shall be reimbursed to the said Commissioners of Her Majesty's Treasury.

Committee to order by whom Costs are to be paid.

XV. And be it enacted, That it shall and may be lawful for any Committee re-assembled as aforesaid, and for every Committee appointed under the Authority of this Act, in their Discretion, to report, order, and direct that the Costs, Charges, and Expences incurred and occasioned in and about the Inquiries respectively prosecuted before any such Committee, or any Part or Proportion thereof, shall be paid by any Party, Person or Persons, who may have been proved before the said Committee, being first duly heard, to have been guilty of Bribery, or of having received Bribes, or to have occasioned Costs, Charges, and Expences to have been incurred by having brought forward frivolous and vexatious Charges of Bribery against any other Person or Persons; and the Speaker shall deliver to the Agent of the House of Commons, or of the Party or Parties, a Certificate, signed by himself, expressing the Amount of the Costs and Expences to be paid by each of the said Parties, with the Name or Description of the Party liable to pay the same; and such Certificate shall be conclusive Evidence of the Amount of and all other Matters to establish the Demand, and the Liability of the several Parties to pay the same.

XVI. And

Costs how to be ascertained.

XVI. And be it enacted, That all Costs, Charges, and Expences mentioned or referred to in the Report of any Committee made under the Authority of this Act shall be ascertained and allowed by the same Person, and in the same Manner, as the Costs, Charges, and Expences of Petitions reported to be frivolous and vexatious are now by Law required to be ascertained and allowed; and all the several Provisions relating to Costs upon frivolous and vexatious Petitions, and to the Speaker's Certificate of the Amount, and to the Recovery thereof, shall extend to and apply, so far as may be, to Costs, Charges, and Expences payable under the Authority of this Act, as fully and effectually as if the same were re-enacted by this Act, the Speaker's said Certificate being hereby declared to be conclusive Evidence of all and every the Matters necessary to the Establishment of the Demand, and of the Liability of all Parties and Persons mentioned therein as liable thereto.

Recovery of Costs.

XVII. And be it enacted, That it shall be lawful for the Agent appointed by the Speaker as aforesaid, or the Party or Parties named in the Certificate, to demand the Payment of the whole Amount of such taxed Costs and Expences, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof, and, in case of Nonpayment thereof, in his or her Name to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant or Defendants is or are indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate, and Affidavit of the Handwriting of the Speaker thereto, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law; and no Writ of Error shall be allowed, and the Validity of such Certificate shall not be questioned, in any Court, upon the Allegation of any Matter or Thing anterior to the Date thereof; and the said Agent or Party or Parties named in the Certificate shall pay over to the Commissioners of Her Majesty's Treasury the Amount of the several Sums which he or they shall recover or receive in respect of such Costs in and by such Action or otherwise.

Costs to be a Debt to Her Majesty.

XVIII. And be it enacted, That the Amount of any Costs payable to the Person appointed by the Attorney General as aforesaid shall, upon the issuing of the Speaker's Certificate, be held and deemed a Debt upon Record due to Her Majesty.

Persons paying Costs may recover Part from other Persons liable thereto.

XIX. And be it enacted, That in every Case it shall be lawful for any Person or Persons, from whom the Amount of such Costs and Expences shall have been so recovered, to recover in like Manner from the other Persons, or any of them, (if such there shall be,) who are jointly liable to the Payment of the said Costs, Expences, and Fees, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Payment of Head Money, &c. declared Bribery.

XX. ‘ And whereas a Practice has prevailed in certain Boroughs and Places of making Payments by or ‘ on behalf of Candidates to the Voters in such Manner that Doubts have been entertained whether such ‘ Payments are to be deemed Bribery;’ be it declared and enacted, That the Payment or Gift of any Sum of Money, or other valuable Consideration whatsoever, to any Voter, before, during, or after any Election, or to any Person on his Behalf, or to any Person related to him by Kindred or Affinity, and which shall be so paid or given on account of such Voter having voted or having refrained from voting, or being about to vote or refrain from voting, at the said Election, whether the same shall have been paid or given under the Name of Head Money, or any other Name whatsoever, and whether such Payment shall have been in compliance with any Usage or Practice, or not, shall be deemed Bribery.

Act to apply to Elections after 1st June 1842.

XXI. And be it enacted, That all the foregoing Provisions of this Act, so far as the same are applicable thereto, shall apply to any Election which may have taken place, or which may take place, after the First Day of *June* One thousand eight hundred and forty-two.

For preventing Treating. 7 & 8 W.3. c.25.

XXII. ‘ And whereas the Provisions of an Act passed in the Seventh Year of the Reign of King ‘ *William* the Third, intituled *An Act for preventing Charges and Expences in Elections of Members to ‘ serve in Parliament*, have been found insufficient to prevent corrupt Treating at Elections, and it is ‘ expedient to extend such Provisions;’ be it enacted, That every Candidate or Person elected to serve in Parliament for any County, Riding or Division of a County, or for any City, Borough, or District of Boroughs, who shall, from and after the passing of this Act, by himself, or by or with any Person, or in any Manner, directly or indirectly, give or provide, or cause or knowingly allow to be given or provided, wholly or partly at his Expence, or pay wholly or in part any Expences incurred for any Meat, Drink, Entertainment, or Provision to or for any Person, at any Time, either before, during, or after any such Election, for the Purpose of corruptly influencing such Person, or any other Person, to give or to refrain from giving his Vote in any such Election, or for the Purpose of corruptly rewarding such Person, or any other Person, for having given or refrained from giving his Vote at any such Election, shall be incapable of being elected or sitting in Parliament for that County, Riding or Division of a County, or for that City, Borough, or District of Boroughs, during the Parliament for which such Election shall be holden.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP.

CAP. CIII.

An Act for abolishing certain Offices of the High Court of Chancery in *England*.

[10th *August* 1842.]

Offices of Clerks of Enrolment and their Deputies, Comptrollers of the Hanaper, Six Clerks, Sworn Clerks, and Waiting Clerks, (except as to Recovery of Fees, and to certain Rights,) abolished.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-eighth Day of *October* next after the passing of this Act the following Offices of the High Court of Chancery, namely, the Offices of Clerks of the Enrolments and the Deputies of such Clerks, Comptrollers of the Hanaper, Six Clerks, Sworn Clerks, and Waiting Clerks, (except as to the Recovery of Fees and Charges for Business done heretofore, or to be done on or before the said Twenty-eighth Day of *October*, and of all Costs and Expences occasioned by the Nonpayment of such Fees and Charges, and saving to every Person who shall be a Sworn Clerk or Waiting Clerk on the said Twenty-eighth Day of *October*, except while he shall hold any Office or Employment under this Act, all the Rights of being admitted and practising as a Solicitor in the Courts of Equity, and of being admitted and practising as an Attorney in the Courts of Law, to which he would have been entitled as such Sworn Clerk or Waiting Clerk if this Act had not been passed,) shall be and the same are hereby abolished.

Transfer of Enrolments, Records, &c.

II. And be it enacted, That from and after the said Twenty-eighth Day of *October* all Enrolments, Records, and other Documents in the Custody of the Officers of the said abolished Offices, and all their Bill Books, Cause Books, and Indexes in respect of the said abolished Offices, shall be transferred to the Custody of such Persons as the Master of the Rolls shall from Time to Time by any Order direct.

Duties, &c. of Six Clerks as to Causes in the Petty Bag;

Clerk of Enrolments;

III. And be it enacted, That from and after the said Twenty-eighth Day of *October* the Clerks in the Petty Bag shall be nominal Attornies in all Causes in the Petty Bag in which Six Clerks might have been such Attornies if this Act had not been passed, and the Entry by any Clerk of the Petty Bag of Rules in Causes in the Petty Bag shall have all the Effect such Entry could have had if this Act had not been passed, and a similar Entry had been made by a Six Clerk; and from and after the said Twenty-eighth Day of *October* all Enrolments which if this Act had not been passed would have been under the Management of the Clerks of the Enrolments and their Deputies shall be under the Management of an Officer to be denominated the "Clerk of Enrolments in Chancery," and all Duties and Authorities which if this Act had not been passed could have been performed and exercised by the said Six Clerks as Comptrollers of the Hanaper and Riding Clerk shall be performed and exercised by the said Clerk of Enrolments in Chancery, and such Clerk of Enrolments in Chancery shall be entitled under this Act to a Salary of One thousand two hundred Pounds *per Annum*;

Clerks of Records and Writs;

and from and after the said Twenty-eighth Day of *October* the Records, Writs, and Rules of the High Court of Chancery which if this Act had not been passed would or might have been under the Management of the Six Clerks and Sworn Clerks or Waiting Clerks of the said Court shall be under the Management of Officers to be denominated "Clerks of Records and Writs," every one of whom shall be entitled under this Act to a Salary of One thousand two hundred Pounds *per Annum*;

Taxing Masters;

and from and after the said Twenty-eighth Day of *October* the taxing of Costs in the said Court shall be conducted by Officers to be denominated "Taxing Masters," every one of whom shall have been a Sworn Clerk of the said Court, or shall for Twelve Years, or for Periods making together Twelve Years or upwards, have practised as a Solicitor of the said Court, and every such Taxing Master shall be entitled under this Act to a Salary of Two thousand Pounds *per Annum*;

Tenure of Office, Duties, and Removal.

and every Clerk of Enrolments in Chancery, Clerk of Records and Writs, and Taxing Master, shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, or any Regulation to be made under this Act, and may be removed from his Office by the Lord Chancellor for Misconduct; and the Business to be transacted by such Clerk of Enrolments in Chancery, Clerks of Records and Writs, and Taxing Masters, respectively, shall be as well the Management of Enrolments, Comptrollership of the Hanaper, Management of Records, Writs, and Rules, and the taxing of Costs as aforesaid, as also such other Business (if any) connected with the Court of Chancery as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be, in the Case of Taxing Masters, such as the Lord Chancellor, and in the Case of the other Officers such as the Master of the Rolls, shall from Time to Time by any Order direct.

General Provision as to Business of Clerk of Enrolments, Clerks of Records and Writs, and Taxing Masters.

First Clerk of Enrolments, First Clerks of Records and Writs, and First Taxing Masters.

IV. And be it enacted, That *David Drew* Esquire, One of the Deputies of the Clerks of the Enrolments, shall be the First Clerk of Enrolments in Chancery; *Frederick Bedwell*, One of the Sworn Clerks of the Court of Chancery, *John Alexander Berrey*, One of the Agents in the Six Clerks Office, *John Veal*, One other of the Agents in the Six Clerks Office, and *Seth Charles Ward*, One other of the Sworn Clerks of the Court of Chancery, the First Clerks of Records and Writs; and *Henry Ramsay Baines*, One other of the Sworn Clerks of the Court of Chancery, *Robert Bayly Follett*, One of the Solicitors of the Court of Chancery, *George Gatty*, One other of the Sworn Clerks of the Court of Chancery, *Philip Martineau*, One other of the Solicitors of the Court of Chancery, and *Richard Mills* and *John Wainewright*, Two others of the Sworn Clerks of the Court of Chancery, Esquires, the First Taxing Masters, under this Act;

Filling up of Vacancies in

and that as often as the Clerk of Enrolments in Chancery, or any Clerk of Records and Writs hereby appointed, or any of his Successors, shall die, or resign or be removed from his Office, the Master of the Rolls

Rolls shall have Power to appoint a Clerk of Enrolments in Chancery, or a Clerk of Records and Writs, (as the Case may be,) in the Room of the Clerk of Enrolments in Chancery or Clerk of Records and Writs who shall so die, resign, or be removed; and that as often as any Taxing Master hereby appointed, or any of his Successors, shall die, or resign or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that it shall not be imperative on the Master of the Rolls to make any such Appointment of a Clerk of Enrolments in Chancery or Clerk of Records and Writs, while he shall consider the same unnecessary; provided further, that no such Appointment as aforesaid shall be made by the Master of the Rolls unless with the Approbation of the Lord Chancellor, nor shall any such Appointment as aforesaid be made of a Clerk of Records and Writs while there shall be Four or more such Clerks, nor of a Taxing Master while there shall be Six or more such Masters, unless the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order declare such Appointment to be necessary.

Office of Clerk of Enrolments or Clerk of Records and Writs, and in the Office of Taxing Master.

V. And be it enacted, That the Lord Chancellor may from Time to Time, with such Advice and Consent as aforesaid, appoint additional Taxing Masters, and the Master of the Rolls may from Time to Time, with such Approbation as aforesaid, appoint additional Clerks of Records and Writs: Provided always, that no such additional Appointment shall be made by the Master of the Rolls unless the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order declare such Appointment to be necessary; provided further, that the Number of Clerks of Records and Writs under this Act shall not at any one Time exceed Six, and the Number of Taxing Masters under this Act shall not at any one Time exceed Nine.

Appointment of additional Clerks of Records and Writs and of Taxing Masters. Limitation.

VI. And be it enacted, That in case of Absence, from Illness or other reasonable Cause, it shall be lawful for any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, being first approved in the Case of a Taxing Master by the Lord Chancellor, and in the other Cases by the Master of the Rolls; and that in case any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor in the Case of a Taxing Master, and in the other Cases the Master of the Rolls, may appoint a Deputy; and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor in the Case of a Taxing Master, and in other Cases as the Master of the Rolls, shall direct; and during Vacations the whole of the Business of the following Officers, (namely,) the Clerk of Enrolments in Chancery, and Clerks of Records and Writs, may be performed by such One or more of the same Officers, and upon such Terms, as the Master of the Rolls shall by any Order direct.

Appointment of Deputy in case of Absence of Clerk of Enrolments, Clerk of Records and Writs, or Taxing Master.

VII. And be it enacted, That it shall be lawful for every Clerk of Enrolments in Chancery, Clerk of Records and Writs, and Taxing Master, under this Act, and also the Clerk of Affidavits of the Court of Chancery, to administer the Oaths and take the Affirmations and Attestations of Honour which he may from Time to Time be required to administer and take by any Order made by the Lord Chancellor, with such Advice and Consent as aforesaid.

Such Officers and the Clerk of Affidavits may administer Oaths, &c.

VIII. And be it enacted, That all Persons swearing, affirming, or attesting before any Clerk of Enrolments in Chancery, or Clerk of Records and Writs, or Taxing Master, under this Act, or Clerk of Affidavits, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing or Perjury contained therein as if the Matter sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Persons swearing falsely before Officers punishable for Perjury.

IX. And be it enacted, That every Clerk of Enrolments in Chancery under this Act may appoint, to assist him in his Business, Three Clerks, and as many more as the Master of the Rolls shall from Time to Time by any Order direct; and that every Clerk of Enrolments in Chancery may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to such Salary as the Master of the Rolls shall by any Order direct, provided that the whole Amount payable for such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two hundred and fifty Pounds for every such Clerk; and that every Clerk of Records and Writs under this Act may appoint to assist him in his Business Three Clerks, and as many more as the Master of the Rolls shall from Time to Time by any Order direct; and that every Clerk of Records and Writs may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to such Salary as the Master of the Rolls shall by any Order direct, provided the whole Amount for such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two hundred and fifty Pounds for every such Clerk; and that every Taxing Master under this Act may appoint, to assist him in his Business, One Clerk, and as many more as the Lord Chancellor shall from Time to Time by any Order direct; and every Taxing Master may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to a Salary of Two hundred and fifty Pounds *per Annum:* Provided always, that no Clerk shall be appointed by a Clerk of Enrolments in Chancery, or Clerk of Records and Writs, to fill up a Vacancy, while he shall

Power to Clerk of Enrolments in Chancery to appoint Clerks, and remove them, and fill up Vacancies.

Power to Clerk of Records and Writs to appoint Clerks, and remove them, and fill up Vacancies.

Power to Taxing Master to appoint and to remove Clerks, and fill up Vacancies.

No Appointment to be made on any

Vacancy unless declared necessary.

shall have Three or more Clerks, unless the Master of the Rolls shall by any Order declare such Appointment to be necessary, and no Clerk shall be appointed by a Taxing Master to fill up a Vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any Order declare such Appointment to be necessary.

Officers and Clerks not to take Gratuities.

X. And be it further enacted, That if any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, or any Clerk of any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, shall, for any thing done or pretended to be done relating to his Office or Employment under this Act, or under colour of doing any thing relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or any thing of Value, other than what is allowed or directed to be taken by him under this Act, or any Order made under this Act, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed from any Office or Employment he may hold under this Act.

Persons employed under this Act not to practise, and Solicitors, &c. to be struck off the Rolls.

XI. And be it enacted, That from and after the Twenty-eighth Day of *October* next after the passing of this Act no Person while he holds any Office or Employment under this Act shall practise as a Barrister, or as a Solicitor or Attorney; and that from and after the said Twenty-eighth Day of *October* every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attornies of any of Her Majesty's Courts of Record at *Westminster* on which his Name may be.

Persons whose Offices and Employments are abolished or affected may make Claims for Compensation.

XII. And be it enacted, That it shall be lawful for every Person who shall at the passing of this Act be a Clerk of the Enrolments, Deputy of such Clerk, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, and whose Office or Employment shall be abolished or affected by this Act, to make a Claim for Compensation within Twelve Calendar Months after the passing of this Act to the Lord Chancellor, who shall proceed, in such Manner and upon such Average as he may think proper, to inquire what Compensation ought to be made to any such Claimant, and what were the Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the Lord Chancellor he is hereby authorized and empowered to determine, by an Order, the Amount of the annual Compensation which shall seem to him to be just and reasonable for the Loss sustained by such Claimant, being in the Case of a Clerk of the Enrolments or Deputy as aforesaid, or Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, or Waiting Clerk, not less than Three Fourths nor more than the Whole, and in the Case of an Agent or Record Keeper not less than Two Thirds nor more than the Whole, of the Sum which shall be determined by the Lord Chancellor to be the net annual Value of such Fees and Emoluments: Provided always, that no other Period shall be fixed for any such Average as aforesaid than Three Years, expiring on any Day between the passing of this Act and the First Day of *November* next, or some Portion of such Three Years; and that for the Purpose of taking any Average in the Case of a Sworn Clerk or Waiting Clerk the Fees and Emoluments of any Business previous to the Acquisition of such Business by any Sworn Clerk or Waiting Clerk claiming Compensation in respect thereof shall be deemed to have been the Fees and Emoluments of such Sworn Clerk or Waiting Clerk: Provided further, that no Average shall be taken or Compensation awarded in respect of any Business which shall be acquired after the passing of this Act.

Executors of Persons dying before Compensation awarded may make Claim.

XIII. And be it enacted, That the Executors or Administrators of every Person who at the passing of this Act shall be a Clerk of the Enrolments or Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, and who shall die after the said Twenty-eighth Day of *October* next after the passing of this Act, and before Compensation shall be awarded to him, shall be entitled to make such Claim and receive such Compensation for the Time which shall elapse between the Twenty-eighth Day of *October* next after the passing of this Act and the Day of the Death of such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, as such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper would if living have been entitled to claim and receive, and such Compensation shall form Part of the Personal Estate of such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Sworn Clerk, Six Clerk, Waiting Clerk, Agent, or Record Keeper.

Half Compensation for Seven Years after Death of Sworn Clerk to be paid to his Executors.

XIV. And inasmuch as the Business of a Sworn Clerk and of a Waiting Clerk has been treated as a Subject of Sale and Succession, and has commonly been sold for Half the Profits during the Seven Years next after a Sale, be it therefore enacted, That a yearly Sum equal to Half the annual Sum to be awarded as Compensation to any Sworn Clerk or Waiting Clerk, or which, in the Case of any Sworn Clerk or Waiting Clerk who shall die before the said Twenty-eighth Day of *October* next after the passing of this Act, or after the said Twenty-eighth Day of *October* and before Compensation shall be awarded to him, might have been awarded to him if he had survived the said Twenty-eighth Day of *October* and the Award of Compensation, shall for Seven Years, to be computed from the said Twenty-eighth Day of *October* next after the passing of this Act, or the Day of the Decease of such Sworn Clerk or Waiting Clerk, (whichever shall last happen,) be paid to the Executors, Administrators, or Assigns of such Sworn Clerk or Waiting Clerk, as Part of his Personal Estate.

XV. And

XV. And be it enacted, That it shall be lawful for the Lord Chancellor to award such Compensation, if any, as he may think fit to the Persons who, on the Twenty-eighth Day of *October* next after the passing of this Act, shall be Clerk of the Public Office in Chancery, and Junior Clerks or Copying Clerks of the Masters in Ordinary of the High Court of Chancery, for any Loss they may respectively sustain under this Act, and also to Persons whose Emoluments may be diminished or abolished under this Act, by reason of any Change or Discontinuance of the sealing or signing of Writs. Compensation to Clerk of Public Office and Clerks of Masters in Ordinary, &c.

XVI. And be it further enacted, That it shall be lawful for the Lord Chancellor, in the meantime and until Compensation shall be awarded and determined in manner aforesaid, to order such Allowances on account of such Compensation as he shall think fit. Allowances on account of Compensation.

XVII. And be it further enacted, That an Account of all such Compensations and Allowances as shall be granted under this Act shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following. Account of Compensations, &c. to be laid before House of Commons.

XVIII. And be it enacted, That during such Time as any Person hereby appointed to any Office, or hereafter to be appointed to any Office connected with any Court of Law or Equity, or under the Crown, or in any public Department under the Crown, shall continue in such Office, such Portion (if any) as the Lord Chancellor shall direct of the annual Compensation (if any) payable to such Person under this Act shall cease to be payable to such Person: Provided always, that no Compensation shall be so reduced as to make the annual Amount to be received during such Time as aforesaid by any such Person in respect of Compensation and Salary together less than the full net annual Value of the Fees and Emoluments in respect of which such Compensation shall have been awarded. Portion of Compensation to cease during Tenure of Office.

XIX. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order made on a Petition presented to him for that Purpose after the Twenty-eighth Day of *October* next after the passing of this Act, to order (if he shall think fit) to be paid to any Person executing the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall have continued in his Office for Twenty Years, and shall be desirous of resigning the same, an Annuity not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Funds and in the Manner upon and in which Salaries under this Act are charged: Provided always, that the Time during which any Person hereby appointed or to be hereafter appointed to the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, shall have been a Six Clerk, Sworn Clerk, Waiting Clerk, or Agent, shall be added to the Time during which such Person shall be Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, and shall for the Purposes of this Clause be deemed and taken as Part of the Time during which such Person shall have continued in the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act: Provided always, that the Retiring Allowance to any Person to whom Compensation shall have been granted under this Act shall merge in such Compensation, except so far as such Allowance shall exceed in yearly Amount the yearly Sum so granted to such Person for Compensation. Retiring Allowance may be granted.

XX. And be it enacted, That all Salaries, Compensations, Allowances on account of Compensation, and Retiring Allowances, under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the High Court of Chancery, intituled "The Suitors Fee Fund Account." Salaries, &c. to grow due from Day to Day, but to be payable quarterly, out of the Suitors Fund.

XXI. And be it enacted, That from and after the said Twenty-eighth Day of *October* next after the passing of this Act, and thenceforth, except so far as the Lord Chancellor, with such Advice and Consent as aforesaid, shall from Time to Time by any Order otherwise direct, all Fees for Business heretofore done by Clerks of the Enrolments or their Deputies, Comptrollers of the Hanaper, Riding Clerks, Six Clerks, Sworn Clerks, or Waiting Clerks, in respect of the said abolished Offices, and which from and after the said Twenty-eighth Day of *October* shall be done by any Officer of the Court of Chancery, either under the Provisions of this Act or any Order duly made for providing for the Performance of such Business, shall continue payable, and that from and immediately after the Transfer, by this Act or any Order made as aforesaid, to any of the Officers under this Act, of any Business heretofore done by any other Officers of the said Court, all Fees now or at the Time of such Transfer payable for such Business shall (except so far as the Lord Chancellor, with such Advice and Consent as aforesaid, may from Time to Time by any Order otherwise direct,) continue payable; and all Fees to continue payable as aforesaid shall be received by the Officers of the said Court by whom the Business shall be done for which such Fees shall be payable, and shall be paid into the Bank of *England*, to be placed to the Account there standing in the Name of the said Accountant General, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order direct. Fees to continue and be paid to the Suitors Fund.

XXII. 'And whereas it is expedient that the said Fund should at all Times be kept up to an Amount 'sufficient to satisfy the Charges thereon as well under this Act as under any former Act: And whereas 'in consequence of this Act, and the Regulations to be made under it, some of the Fees heretofore or 'under Power to impose Fees on Proceedings and Business in Court of

Chancery and Offices thereof.

'under this Act payable to the said Fund may be abolished and others may be diminished, by which the 'said Fund may be reduced so as to be insufficient for the Purposes of this Act and of the other Charges 'on the said Fund;' be it therefore enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, from Time to Time by any Order to impose such Fees on any Proceedings in the Court of Chancery, or on Business in any of the Offices of the said Court, (including the Offices under this Act,) as he may think necessary or expedient for maintaining the said Fund, so that it may at all Times be sufficient to satisfy all the Charges thereon as well under this Act as any former Act.

Provision in case of Surplus or Deficiency of Fee Fund.

XXIII. And be it enacted, That if on the Twenty-eighth Day of *October* in any Year after the Year One thousand eight hundred and forty-two there shall be a Surplus standing to the Credit of the said Account intituled "The Suitors Fee Fund Account," after Payment of the several Charges hereby or by any former Act imposed thereon, it shall be lawful for the Lord Chancellor by any Order to direct that such Part thereof as to the said Lord Chancellor shall seem fit shall be invested in the Purchase of Parliamentary or Government Securities in the Name of the said Accountant General, to be placed to the Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery;" and it shall be lawful for the Lord Chancellor, in like Manner, to direct the Investment of the Dividends or Interest to accrue from Time to Time on the Securities now or at any Time hereafter under this Act or any former Act to be placed to the said last-mentioned Account, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities, in the Name of the said Accountant General, to be by him placed to the Credit of the said last-mentioned Account; and as often as there shall be a Deficiency in the said Account intituled "The Suitors Fee Fund Account" at any of the Times appointed for Payment of any of the Charges hereby or by any former Act imposed thereon, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such Deficiency, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose out of the Interest and Dividends to arise from the Government or Parliamentary Securities standing to the said Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose; and as often as such last-mentioned Securities, and the Interest and Dividends thereof, shall be insufficient to meet any such Deficiency, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such last-mentioned Deficiency, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing in the Name of the said Accountant General, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them: Provided always, that the Charges under this Act on any of the aforesaid Funds shall rank next after the Charges thereon at the passing of this Act.

Priority of Compensations over all other Charges under this Act, and Power to purchase Compensations and Retiring Allowances.

XXIV. And be it enacted, That as between Compensations and Allowances on account of Compensations, and the Salaries and other Monies hereby charged on the Funds herein-before mentioned, Compensations and Allowances on account of Compensations shall have Priority of Payment over all such Salaries and other Monies; and further, that it shall be lawful for the Lord Chancellor to purchase all or any of the Compensations and Retiring Allowances awarded under this Act; and the Money to be paid for every such Purchase shall be paid out of the said Fund intituled "An Account of Monies placed out to provide for the Officers of the High Court of Chancery," but without Prejudice to the Charges under this or any former Act for the Time being existing on the said Fund: Provided always, that no such Purchase shall be made unless with the Consent of the Party entitled to the Compensation or Retiring Allowance so to be purchased.

Power to invest surplus Interest of Suitors Fund.

XXV. And be it enacted, That the surplus Interest and annual Produce which hath arisen and shall arise from the Monies placed out on the several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors in the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of this and the several other Acts relating to such Securities, and also the Interest produced from the Securities purchased with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities, in the Name of the Accountant General of the said Court, and placed to the Credit of the said Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

Money placed out, if required to answer Demands of Suitors, to be called in.

XXVI. And be it enacted, That if at any Time hereafter the Whole or any Part of the Monies placed out to the Two several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or to be placed out in pursuance of this Act, shall

shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the Whole or any Part of such Monies to be called in, and the Securities in which the same, and the surplus Interest and Dividends herein-before mentioned, shall be placed, to be sold and disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the Common and General Cash belonging to such Suitors.

Power to change Securities.

XXVII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to authorize the Change of any Security or Securities or of any Part of the Securities to be purchased in pursuance of this Act.

Provision as to the Appointment of Messengers and Servants.

XXVIII. And be it enacted, That it shall be lawful for the Master of the Rolls from Time to Time to appoint such Messengers as he shall consider necessary for the Business of the Offices under this Act, and also such Servants as he shall consider necessary for the Care and cleaning of the said Offices, and from Time to Time to remove any such Messengers and Servants, and appoint others; and the Wages of every Messenger and Servant shall be such, and shall be paid out of the Funds hereby charged with Salaries, or such of them, and at such Times and in such Manner, as the Master of the Rolls shall by any Order direct.

The Building, &c. of the Six Clerks Office and Enrolment Office vested in the Accountant General for the Purposes of this Act and of the Enrolment Office. 15 G. 3. c. 56.

XXIX. And be it enacted, That the Ground and Hereditaments by an Act passed in the Fifteenth Year of His late Majesty King *George* the Third, intituled *An Act for applying the Funds provided for rebuilding the Offices of the Six Clerks of the King's Court of Chancery by an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for rebuilding the Office of the Six Clerks 'of the King's Court of Chancery, and for erecting Offices for the Register and Accountant General of 'the said Court, for the better preserving the Records, Decrees, Orders, and Books of Account kept in 'such Offices,' in building Offices for the said Six Clerks in the Garden of* Lincoln's Inn, *instead of rebuilding the present Six Clerks Offices in* Chancery Lane; *and for other Purposes*, vested in the Six Clerks, together with all Buildings thereon, shall, for all the Estate of the said Six Clerks therein under the said Act, and subject to the Restrictions and with the Exemptions in the said Act mentioned, from and immediately after the Twenty-eighth Day of *October* next after the passing of this Act be vested in *William Russell* Esquire, Accountant General of the said Court of Chancery, and his Successors in the said Office for ever, in Trust to permit the same to be used for such Purposes as the Lord Chancellor, with such Advice and Consent as aforesaid, shall from Time to Time by any Order direct; and further, that all Dividends henceforth to arise from One thousand five hundred and seventeen Pounds Nine Shillings and Five-pence Three Pounds *per Centum* Consolidated Bank Annuities, transferred into the Name of the said Accountant General under the said recited Act, and now standing in such Name to an Account intituled "Money arising by Sale of the Six Clerks Office," shall be carried to and become Part of the said Fund intituled "The Suitors Fee Fund Account."

Dividends of "Money arising by Sale of Six Clerks Office" Part of Suitors Fee Fund.

Provision as to the Expences of the Offices under this Act.

XXX. And be it enacted, That it shall be lawful for the Master of the Rolls, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of such of the Funds hereby charged as he shall think fit, of all such Sums as shall appear to him to be reasonable and proper to be paid for the enrolling Deeds and Documents, and the making and writing of Office and other Copies of Records and other Documents under the Control of the Officers appointed by this Act, or any of them, and for the Care and cleaning of the Rooms and Buildings in which the Offices of Persons employed under this Act may be held, and for any Rent for any such Buildings or Rooms, and for the Repairs and fitting up of such Buildings and Rooms, and for the Books and Stationery which may be required for the Business of the said Offices, and for Coals and Candles and other necessary Articles for the said Offices, and for the Discharge of Taxes (including Land Taxes), Rates, and other Assessments charged upon or payable in respect of the said Offices and Buildings, or any of them, or to which the Officers under this Act, or any of them, may be liable in respect thereof.

Orders may be made for carrying Act into execution.

XXXI. And be it enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, to make and issue such Orders as he shall think fit, as well in relation to any Matter connected with the said abolished Offices, and not hereby otherwise provided for, as for carrying the Provisions of this Act into execution, and also to make and issue such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he shall think fit, for the Performance of the Business heretofore done in the said abolished Offices, and for establishing and settling the Practice of the Offices hereby created.

Orders under the Act may be varied.

XXXII. And be it enacted, That any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the respective Authorities by which Orders are hereby authorized to be made.

For defraying the Expences of preparing and passing this Act.

XXXIII. And be it enacted, That out of the Monies standing to the said Account intituled "The Suitors Fee Fund Account," and also out of the Interest arising from the said Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," and also out of the Interest arising from the said Two Accounts intituled respectively "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or such One or more of the said several Funds as the Lord Chancellor shall think fit, the Costs and Charges incurred in preparing, procuring,

procuring, and passing this Act shall be paid, in such Manner as the Lord Chancellor shall by any Order direct.

Clerk of Enrolment in the Court of Chancery for the County of Middlesex continued in the Office of Register of Deeds in Middlesex, notwithstanding the Abolition of his Office in the Court of Chancery. 7 Ann. c. 20.

XXXIV. 'And whereas by an Act passed in the Seventh Year of the Reign of Her Majesty Queen 'Anne, intituled *An Act for the public registering of Deeds, Conveyances, and Wills, and other Incum-* 'brances, which shall be made of or shall affect any Honors, Manors, Lands, Tenements, or Hereditaments 'within the County of Middlesex after the Twenty-ninth Day of September One thousand seven hundred 'and nine, it is provided that the Sworn Clerk to execute the Office of Enrolment in the High Court of 'Chancery who is appointed to enrol for the County of *Middlesex* shall be one of the Officers for executing 'the Duties of Registers and Masters for the Matters and Things in the same Act contained: And whereas 'the said Office of Enrolment will be abolished by this Act, and Doubts may arise whether the said 'Officer can any longer continue legally to execute the Duties of such Register and Master as aforesaid;' be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to abolish the Office of Registers or Masters for the Enrolment of Deeds, Wills, and other Conveyances in the County of *Middlesex*, or for any other Matters or Things in the said recited Act contained, or to deprive any of the Persons now holding such Office of Registers or Masters of that Office, and that such Persons shall and may henceforth, and until otherwise provided for by Law, continue to hold and enjoy such Office, and execute all the Powers and Duties appertaining thereto, in the same Manner to all Intents and Purposes as if this Act had not been passed; and if the Sworn Clerk whose Office shall be abolished by this Act, and who now holds the Office of such Register or Master as aforesaid, or any of His Successors as such Register or Master, shall die or resign, or otherwise be discharged from the Office of Register or Master, it shall be lawful for the Lord Chancellor, until it shall be otherwise directed by Parliament, to nominate and appoint some fit and proper Person to fill the Office of such Register or Master, such Person being a Clerk of Enrolments in Chancery or a Clerk of Records and Writs under this Act, or a Barrister, or a Solicitor, or an Attorney in actual Practice, of not less than Five Years standing, in the Place or Stead of the Person so dying, resigning, or being discharged from such Office; and the Person so nominated and appointed by the Lord Chancellor as aforesaid shall, previously to his entering upon or executing such Office, take such Oath or Oaths, and afterwards execute such Office, and the Powers and Duties appertaining thereto, in the same Manner to all Intents and Purposes as the Persons executing the same would by Law be required and authorized to take and execute if this Act had not been passed.

Power to postpone Act for Six Months.

XXXV. Provided always, and be it enacted, That if the Lord Chancellor, with such Advice and Consent as aforesaid, shall, by any Order made and issued before the said Twenty-eighth Day of *October* next after the passing of this Act, declare that the Commencement of this Act shall be postponed, then and in such Case the Day fixed in such Order for the Commencement of this Act shall be taken to have been substituted for the said Twenty-eighth Day of *October* throughout every Part of this Act, except this present Clause: Provided always, that the Commencement of this Act shall not by any such Order be postponed for more than Six Calendar Months next after the said Twenty-eighth Day of *October*.

Act not to affect other Powers of Lord Chancellor.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

Interpretation of "Lord Chancellor."

XXXVII. And be it enacted and declared, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Great Britain* for the Time being.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. CIV.

An Act to explain and amend certain Enactments contained respectively in the Acts for the Regulation of Municipal Corporations in *England* and *Wales*, and in *Ireland*.

[10th *August* 1842.]

5&6 W.4. c.76.

'WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the 'Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regu-* 'lation of Municipal Corporations in England and Wales, it is (amongst other things) enacted, that no 'Person shall be qualified to be elected or to be a Councillor or an Alderman of any Borough during 'such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or Interest in 'any Contract or Employment with, by, or on behalf of the Council of such Borough, during such Time 'as he shall hold any Office or Place of Profit, other than Mayor, in the Gift or Disposal of the Council 'of such Borough: And whereas by another Act passed in the Session of Parliament held in the Third

3&4 Vict. c.108.

'and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Muni-* 'cipal Corporations in Ireland, it is (amongst other things) enacted, that no Person shall be qualified to 'be elected or to be a Councillor, or an Alderman, or a Municipal Commissioner of any such Borough, 'during such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or 'Interest in any Contract or Employment with, by, or on behalf of any such Council, Commissioners, or 'charitable Trustees of such Borough: And whereas Doubts have arisen as to the Extent and Meaning 'of the Words "Contract" and "Office or Place of Profit" in the said Enactments, and it is expedient

'that

'that such Doubts should be removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Word "Contract" in the said respective Enactments shall not extend or be construed to extend to any Lease, Sale, or Purchase of any Lands, Tenements, or Hereditaments, or to any Agreement for any such Lease, Sale, or Purchase, or for the Loan of Money, or to any Security for the Payment of Money only.

The Word "Contract" not to extend to Leases, Sales, &c.

II. And be it enacted, That it shall not be lawful for any Member of the Council of any Borough to vote or to take part in the Discussion of any Matter before the Council in which such Member shall, directly or indirectly, by himself or his Partner or Partners, have any pecuniary Interest.

If Members of Council interested.

III. And be it enacted, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Enactments (by reason of any Extension or Construction of the Word "Contract" therein contained beyond or different from what is herein enacted), to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of One of the Superior Courts at *Westminster* or *Dublin*, as the Case may be, for an Order that such Writ, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Persons against whom Suits have been commenced for Penalties respecting Contracts may apply to have the same determined, upon Payment of the Costs.

IV. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information sued out or commenced on or before the Eighth Day of *February* One thousand eight hundred and forty-two shall have been renewed or continued before the passing of this Act, or upon which any Declaration shall have been filed or delivered, or other Proceeding had, after the said Eighth Day of *February*, and before the passing of this Act, it shall be lawful for such Court or Judge, upon such Application and Proof as aforesaid to make such Order as aforesaid, for discontinuing the same, upon Payment of the Costs out of Pocket of all Proceedings had on or before the said Eighth Day of *February*, to be taxed as aforesaid, and of such Costs out of Pocket, if any, of any Proceedings had after the said Eighth Day of *February*, as the Court or Judge making such Order shall direct; and upon making such Order, and upon Payment or Tender of such Costs, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Judges empowered to order Suits commenced before the 8th Feb. 1842 to be discontinued, upon Payment of Costs;

V. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out or commenced at any Time subsequent to the Eighth Day of *February* One thousand eight hundred and forty-two, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs, and upon making such Order such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

and Suits commenced after 8th Feb. 1842 to be discontinued, without Payment of Costs.

VI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Plaint, or Information, or any legal Proceeding of any Kind whatsoever, in which any Judgment shall have passed on or before the Day of the passing of this Act; but such Proceedings may be thereupon had and taken, and any such Judgment may be dealt with in all respects, as if this Act had not passed.

Act not to extend to Actions in which Judgment has passed.

VII. And be it enacted, That from and after the passing of this Act no Municipal Commissioner, Councillor, Alderman, or Mayor in any Municipal Corporation within the Provisions of either of the said Acts, shall be deemed to have been or to be disqualified to be elected or to be such Municipal Commissioner, Councillor, Alderman, or Mayor, by reason only of his having or having had, directly or indirectly, by himself or his Partner, any Share or Interest in any Lease, Sale, or Purchase of any Lands, Tenements, or Hereditaments, or any Agreement for any such Lease, Sale, or Purchase, or for the Loan of Money, or in any Security for the Payment of Money only, but all Elections of Municipal Commissioners, Councillors, Aldermen, or Mayors, as aforesaid, shall be deemed and taken to be and to have been valid (unless in Cases where Judgment may have been obtained before the passing of this Act), notwithstanding any such Share or Interest in any Matters herein last aforesaid.

Councillors, &c. not to be disqualified on account of having an Interest in any Lease of Lands, &c.

VIII. And be it enacted, That from and after the passing of this Act the Office of Sheriff of any City, Town, County of a City or County of a Town, (wherein the Council are empowered by Law to appoint a fit Person to execute the Office of Sheriff,) shall not be deemed to be an Office or Place of Profit within the Meaning of the said Act so as to create any Disqualification for any Office in the said Act mentioned.

Office of Sheriff not to be deemed an Office of Profit.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP.

CAP. CV.

An Act to amend an Act of the First and Second Years of His late Majesty King *William* the Fourth, to empower Landed Proprietors in *Ireland* to sink, embank, and remove Obstructions in Rivers. [10th *August* 1842.]

1 & 2 W.4. c.57.

'WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers:* And whereas it is expedient to amend the said Act in certain respects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Commission constituting any Persons a Joint Stock Company for the Purposes of and under the Provisions of the said Act shall issue until it be proved to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that a Sum equal to One Tenth Part of the Amount of the Estimate to be made and subscribed pursuant to the Provisions of the said Act has been deposited with the Bank of *Ireland*, in the Names of Three or more solvent Persons, in Trust for the Purposes of the said Undertaking, in case such Commission shall issue, and that not less than Three Fourths in Number of the Subscribers shall have paid up their Shares of such Deposit.

No Commission shall issue until One Tenth Part of the Amount subscribed shall be deposited.

II. And be it enacted, That if at the Time appointed by any Joint Stock Company which may be hereafter constituted under the Provisions of the said Act any Shareholder shall fail to pay the Amount of any Call made at any General or Special Meeting, the Company may sue such Shareholder for the Amount of such Call in any Court of Law or Equity having competent Jurisdiction, in the Name of the Person who shall be for the Time being the Chairman of the Committee of Management of the said Company, or in the Name of any Three Members of the said Company, as the nominal Plaintiff or Plaintiffs, and on behalf of such Company, in like Manner and subject to the like Provisions and Regulations as in the Case of other Suits or Actions brought by or on behalf of any such Company, and the said Company may recover the Amount of such Call, with Interest, at the Rate of Six Pounds *per Centum per Annum*, from the Day upon which such Call may have been payable; and that in any such Action to be brought against any Shareholder to recover the Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient to declare that the Defendant is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued by virtue of this Act; and on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and Notice thereof in Writing under the Hand of the Clerk or Treasurer of the said Company given or sent by the Post to or left at the usual Place of Abode of the Defendant.

Calls may be recovered by Action.

III. And be it enacted, That it shall and may be lawful for any Engineer appointed for the Purpose of making a Survey or Surveys preliminary to the making of any Application for a Commission under the said recited Act, and for his Servants and Attendants, at all reasonable Times to enter in and upon the Grounds and Lands of all Persons whatsoever; provided that he or they shall make reasonable Compensation to the Occupier or Occupiers of such Lands respectively for any Damage or Injury which may be occasioned by reason of the said Engineer, or his Servants or Attendants, entering thereupon; and it shall and may be lawful for the Justices presiding at the nearest Petty Sessions, upon their Summons, without Information, to hear and determine all Applications and Complaints in reference to such Damage and Injury, and for that Purpose to examine upon Oath the Parties or either of them, and such Witnesses as they or either of them shall produce, which Oath the said Justices are hereby empowered to administer, and to dismiss the said Complaint, or make such Order for Payment of such Sum to such Complainant or Complainants by the said Party or Parties so summoned, as to them shall seem just and reasonable, as and for such Compensation, and as to the Costs of such Inquiry to be paid by the Party against whom such Order shall be made, and the same shall be recovered and levied as any Penalty under the said recited Act may be recovered and levied.

Power to make Surveys preparatory to applying for a Commission under recited Act, making Compensation; and Justices to award Compensation in case of Complaint.

IV. 'And whereas it was by the said recited Act provided, that where the clearing, sinking, banking, or altering the Course of any River or Stream might be accomplished at or for a Sum not exceeding Two hundred Pounds, it should be lawful for the Grand Jury of any County through or on the Borders of which such River or Stream may flow, on the Application of any Person having, in Lands bordered or intersected by any such River or Stream, a Freehold Estate of Fifty Acres at least, or a Term of Years of which Twenty-one shall then be unexpired in Lands of like Extent, and who may be willing to advance the Money required for and desirous of undertaking the Performance of any such Work as aforesaid, to make a Presentment enabling him in that Behalf; and divers Provisions were by the said Act made in respect to such Application and Presentment, and regulating the Proceedings consequent thereon: And whereas it is expedient to anthorize the Execution of Works of greater Extent by Presentment as aforesaid;' be it therefore enacted, That the said recited Provision shall apply and extend to Cases where the Amount of the Expence of the proposed Works shall not exceed Five hundred Pounds, as fully and effectually, to all Intents and Purposes, as to Works the Expence whereof may not exceed the Sum in the said Act limited.

Works not exceeding 500*l.* may be executed by virtue of Grand Jury Presentment, under 1 & 2 W.4. c.57.

V. And

Lord Lieutenant to appoint Applotters in default of Owners and Occupiers.

V. And be it enacted, That if, where any such Grand Jury Presentment as aforesaid shall hereafter be made, the Owners or Occupiers of Lands bounded or intersected by any such River or Stream as aforesaid shall omit or neglect to meet, and nominate and appoint Applotters, as by the said recited Act directed, or if the Person appointed Applotter shall refuse, omit, neglect, or cease to act in or proceed with such Applotment, it shall and may be lawful for the Grand Jury at any Assizes, upon the Application of the Person named in such Grand Jury Presentment, to nominate and appoint some Person, being an Engineer or Surveyor, who shall be thereupon authorized to make out and proceed with such Applotment, in like Manner as is prescribed to and with the like Powers as are conferred upon any Person or Persons appointed by the Owners and Occupiers under the said recited Act to make an Applotment or Survey thereof.

Obligation to the Crown required by 1 & 2 W. 4. c. 57. dispensed with.

VI. 'And whereas it was by the said recited Act enacted, that it might be lawful for the Lord 'Lieutenant or other Chief Governor or Governors of *Ireland*, in certain Cases, to grant to One or more 'Person or Persons, not exceeding Six, and not being a Joint Stock Company, a Commission constituting 'such Person or Persons an Undertaker or Undertakers, within the Meaning of the said Act, for executing 'the Works by such Commission authorized; but it was by the said Act provided that no such Com-'mission should be granted to any Person or Persons (not being created a Joint Stock Company) until 'and unless such Person or Persons should previously enter into Security by a Writing obligatory to our 'Sovereign Lord the King, in such Penal Sum or Sums of Money as the Lord Lieutenant or other Chief 'Governor or Governors of *Ireland* shall direct (such Sum not being less than the Amount of the Estimate 'of the Expence of the whole Works proposed to be executed under the said Commission), binding 'himself or themselves, jointly and severally, to execute and perform, within a Time to be limited in such 'Writing obligatory, the said Works, conformably to the Plan and Specification thereof previously to 'be made: And whereas it is expedient to substitute in lieu of the said Obligation to the Crown a Bond 'to the Secretary for the Time being of the Commissioners of Public Works in *Ireland*;' be it therefore enacted, That, notwithstanding any thing in the said recited Act to the contrary, it shall not be necessary, in order to obtain such Commission as aforesaid, for any Person or Persons to enter into such Security as aforesaid by Writing obligatory to our Sovereign Lady the Queen; but that, in lieu thereof, such Person or Persons shall enter into a Bond or Obligation in Writing to the Secretary for the Time being of the said Commissioners of Public Works, together with a Warrant of Attorney for confessing Judgment thereon (the entering of which Judgment shall be in the Discretion of the said Commissioners), whereby the Obligor or Obligors therein named shall bind themselves, himself, or herself, their, his, or her Executors or Administrators, in such Penalty, not being less than the Amount of the Estimate of the Expence of the whole Works proposed to be executed under the said Commission, to execute and perform, within a Time to be limited in such Writing obligatory, the said Works, conformably to the Plan and Specification thereof; and so often as any Breach or Default shall be made in the Performance of all or any Part of the Condition of any Bond or Obligation which shall be entered into to the said Secretary under the Provisions of this Act it shall be lawful for the said Commissioners from Time to Time, at their Discretion, to direct their Solicitor for the Time being to proceed against all or any of the Obligors or Obligor, his, her, or their Heirs, Executors, or Administrators; and upon Proof of any such Breach or Default the Jury shall award such Sum for Damages and Costs as they shall think fit, not exceeding the Penalty of the said Bond or Obligation; and such Sum so awarded, when levied, shall be paid into the Bank of *Ireland*, to the Credit of the said Commissioners, to be applied by them, under the Direction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to the Indemnification of any Persons prejudiced by such Breach or Default, in such Manner and Proportions as he or they shall direct: Provided always, that the said Commissioners shall and they are hereby authorized, at any Time, at their Discretion, to direct against which of the Obligors in any such Bond, if there are more than One, Proceedings shall be from Time to Time taken on any such Bond or Obligation, and by Writing under their Hands and Seals, to be exhibited to the Barons of Her Majesty's Court of Exchequer in *Dublin*, to direct any such Proceedings to be discontinued, quashed, or abated, and the same shall thereupon be discontinued, quashed, or abated.

A Bond to be entered into, and a Warrant of Attorney given.

Bond may be sued upon.

Upon Performance of the Conditions, the Bond to be cancelled.

VII. And be it enacted, That so soon as the Work in respect of which any such Bond or Obligation shall have been made to the said Secretary shall be completed, and the Conditions thereof fully satisfied to the Satisfaction of the said Commissioners, it shall be lawful for the said Commissioners, and they are hereby required, upon the Application of any Obligor therein named, to certify in Writing that the said Condition has been performed, and upon Production of such Certificate to the proper Officer of any of Her Majesty's Courts in *Ireland* in which Judgment may have been entered up on such Bond or Obligation, Satisfaction shall be entered upon the Record of such Judgment, and in case Judgment shall not have been entered up thereupon the said Bond or Obligation shall be delivered up by the Party holding the same to such Obligor, to be cancelled accordingly.

Meeting of Landholders to be convened to appoint a Valuator in certain Cases.

VIII. And be it enacted, That where, after the issuing of a Commission creating a Joint Stock Company of Undertakers under the said Act, any Meeting of Owners and Occupiers has been heretofore or shall be hereafter summoned, under the said recited Act, by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Purpose of appointing a Person to act on behalf of such Owners and Occupiers in making a Survey and Valuation pursuant to the said recited Act, and such Meeting has refused, neglected, or omitted, or shall refuse, neglect, or omit, to nominate and appoint a Person for such Purpose, it shall and may be lawful for such Chief or Under Secretary, upon the Application of such Company for the Time being, if he shall think fit, upon Inquiry

and Consideration of all the Circumstances of the Case, to summon another Meeting of Owners and Occupiers for the like Purpose; and it shall be lawful for such Meeting to adjourn from Time to Time, so as no such Adjournment shall be made to any Day later than Three Calendar Months from such first Meeting under this Act; and Notices of such Meeting, or any Adjournment thereof, shall be published and given as in the said recited Act directed; and any Person nominated and appointed by such Meeting, or any adjourned Meeting held within the said Period of Three Months, shall be invested with all such Powers and may do all such Acts as if such Person had been nominated and appointed under and by virtue of the said recited Act; and if any Person so nominated and appointed by any such Meeting, or otherwise, on the Part of such Owners or Occupiers under this or the said recited Act, shall die, or shall become incapable of acting in discharge of the several Duties prescribed for such Person by such recited Act, then it shall and may be lawful for such Chief or Under Secretary for the Time being, upon the like Application, to summon a Meeting of Owners and Occupiers, in like Manner as in the said recited Act pointed out, for the Purpose of nominating and appointing another Person in the Place and Stead of such Person so dying or becoming incapable of acting as aforesaid; and such Notice shall be published and given in manner pointed out by the said recited Act; and such Person so appointed shall be authorized to do all the Acts and be thereby invested with all the Powers prescribed and conferred by the said recited Act to and upon Persons nominated and appointed to make such Survey and Valuation as aforesaid: Provided always, that in the Case of any Company constituted a Joint Stock Company before the passing of this Act, no such Meeting as aforesaid shall be summoned unless upon an Application to be made within Twelve Calendar Months next after the passing of this Act, nor until it shall be proved to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that a Sum equal to One Tenth Part of the Amount of the Estimate made and subscribed under the Provisions of the said recited Act for the Purposes of the Undertaking has been *bonâ fide* raised, and paid into the Hands of the Treasurer of the Company, and that not less than Three Fourths in Number of the Subscribers shall have paid up their Shares of such Part of the Subscription.

Mills, Weirs, &c. causing Injury to Lands may be taken, and Compensation awarded.

IX. And be it enacted, That if any Mill or Factory, or any Weir, Dam, or other Work or Obstruction belonging to or connected with any Mill or Factory, shall cause the flooding of any such Lands included in any such District as aforesaid, so as thereby to injure such Lands, or prevent their Improvement to an Extent in Value equivalent to or exceeding Three Times the then present Value of such Mill or Factory, it shall be lawful for the said Company of Undertakers, in case they shall not agree for the Purchase of such Mill or Factory, Weir, Dam, or other Work, to take the same, and Compensation for the Value thereof shall be awarded in like Manner as by the said recited Act is provided in reference to any Land to be taken by the said Company for the Purpose of any Works to be executed under the said recited Act.

Saving for Property of the Ordnance.

X. Provided always, and be it enacted, That nothing in this Act or in the said recited Act contained shall extend or be construed to extend to prejudice or in any Manner affect any of the Estates, Rights, or Property of Her Majesty, Her Heirs or Successors, or of the principal Officers of Her Majesty's Ordnance, in Trust for Her Majesty, Her Heirs or Successors, for the public Service, or authorize or enable any Company, or any Trustees constituted or elected, or to be constituted or elected under the Authority of the said recited Act or of this Act, or any other Person or Persons whomsoever, in any Manner to interfere with any Fortification, Battery, or other Work of Defence, or any such Estates, Rights, or Property as aforesaid, or any Easement, Watercourse, or other Commodity or Advantage belonging to or enjoyed therewith, or to quarry, dig, or raise Gravel, Earth, Stones, Sand, or other Materials therein, without the Consent of the said principal Officers or their Successors in Office, or of the Commanding Royal Engineer in *Ireland* or the District for the Time being.

Saving Powers of Irish Society under 1&2 Vict. c. lxxxvii.

XI. Provided also, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested in the *Irish* Society by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for draining and embanking certain Lands in* Lough Swilly *and* Lough Foyle *in the County of* Donegal *and* Londonderry.

Recited Act construed with this.

XII. And be it enacted, That this Act and the said recited Act shall be construed together as one Act.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CVI.

An Act to regulate the *Irish* Fisheries. [10th *August* 1842.]

'WHEREAS it is expedient to consolidate and amend the several Acts now in force in *Ireland* 'relating to the Fisheries thereof; and that for such Purpose all Enactments now in force in 'Ireland relating to the Fisheries thereof should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Acts and Parts of Acts herein-after mentioned, so far only as they or any of them relate to the Fisheries of *Ireland*, and all Acts or Parts of Acts continuing or perpetuating the same, so far only as relates to such Continuation or Perpetuation, and all Enactments whatsoever now in

Repeal of Fishery Acts, so far as regards Ireland.

in force in *Ireland* relating to the Fisheries thereof, shall be repealed (except only so far as is hereinafter excepted and provided for); that is to say,

An Act passed in the Parliament of *Ireland* in the Fifth Year of the Reign of King *Edward* the Fourth, intituled *An Act that no Ship or other Vessel of any Foreign Country shall go to fishing in the* Irish *Countries; and for Custom to be paid off the Vessel that cometh from Foreign Lands to fishing:* 5 Edw. 4. c. 6.

So much of an Act passed in the said Parliament in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Wears upon the* Barrow *and other Waters in the County of* Kilkenny, as relates to the destroying of Salmon Fry therein: 28 Hen. 8. c. 22.

An Act passed in the said Parliament in the Eleventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Preservation of Salmon Fry and Eel Fry:* 11 Eliz. c. 4.

Two Acts passed in the said Parliament in the Tenth Year of the Reign of King *Charles* the First, one in the Second Session of such Year, intituled *An Act for the better Preservation of Fishing in the Counties of* Dublin, Wicklow, Wexford, Waterford, Cork, Kerry, Clare, Galway, Mayo, Sligo, *and all other Counties and Places within the Realm of* Ireland *and the Dominions thereof adjoining to the Sea Coast, and for the Relief of Balkers, Corders, and Fishermen against malicious Suits,* and the other in the Third Session of such Year, intituled *An Act against the killing of young Spawn and Fry of Eels and Salmon:* 10 Car. 1. sess. 2. c. 24. 10 Car. 1. sess. 3. c. 14.

So much of an Act passed in the said Parliament in the Tenth Year of the Reign of King *William* the Third, intituled *An Act for the Preservation of the Game, and the more easy Conviction of such as shall destroy the same,* as relates to the Preservation of Fish, and as prevents the Persons therein specified from fishing: 10 W. 3. c. 8.

An Act passed in the said Parliament in the Second Year of the Reign of King *George* the First, intituled *An Act to prevent the Destruction of Salmon Fry, and better preserving the Salmon Fishery in this Kingdom:* 2 G. 1. c. 21.

An Act passed in the said Parliament in the Twelfth Year of the same Reign, intituled *An Act for the better preserving the Salmon Fishery of this Kingdom:* 12 G. 1. c. 7.

So much of an Act passed in the said Parliament in the Fifth Year of the Reign of King *George* the Second, intituled *An Act for explaining and amending an Act made in the Twenty-eighth Year of the Reign of King* Henry *the Eighth, intituled 'An Act for the Wears upon the* Barrow *and other 'Waters in the County of* Kilkenny,' as relates to Fishermen or Apprentices fishing in navigable Rivers or Waters: 5 G. 2. c. 11.

An Act passed in the said Parliament in the Thirty-first Year of the same Reign, intituled *An Act to explain and amend the several Laws made in this Kingdom for the more effectual Preservation of Salmon Fish and Fry, and for the better Improvement of the Herring Fishery:* 31 G. 2. c. 13.

An Act passed in the said Parliament in the Third Year of the Reign of King *George* the Third, intituled *An Act to explain and amend the several Laws made in this Kingdom, for the effectual Preservation of Salmon Fish:* 3 G. 3. c. 35.

So much of an Act passed in the said Parliament in the Session holden in the Thirteenth and Fourteenth Years of the same Reign, intituled *An Act for renewing and continuing several temporary Statutes, and to prevent the destructive Practice of trawling for Fish in the Bay of* Dublin, as relates to the trawling for Fish in the Bay of *Dublin:* 13 & 14 G. 3. c. 41.

So much of an Act passed in the said Parliament in the Session holden in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act for amending and rendering more effectual an Act passed in the last Session of Parliament, intituled 'An Act for renewing and continuing several temporary 'Statutes, and to prevent the destructive Practice of trawling for Fish in the Bay of* Dublin;' *and for explaining and amending one other Act made in the Thirteenth and Fourteenth Years of His present Majesty, intituled 'An Act for explaining an Act passed in the Fifth Year of His present Majesty's 'Reign, intituled "An Act for erecting and establishing Infirmaries or Hospitals in this Kingdom,"'* as relates to the Practice of trawling in the Broad of *Lambay:* 15 & 16 G. 3. c. 31.

An Act passed in the said Parliament in the Session holden in the Seventeenth and Eighteenth Years of the same Reign, intituled *An Act for the better Preservation of Fish in Rivers, Lakes, and Inland Waters:* 17 & 18 G. 3. c. 19.

An Act passed in the said Parliament in the Session holden in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act for the Protection and Improvement of the Inland Fisheries of this Kingdom:* 23 & 24 G. 3. c. 40.

An Act passed in the said Parliament in the Twenty-sixth Year of the same Reign, intituled *An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty, intituled 'An Act for the Protection and Improvement of the Inland Fisheries in this 'Kingdom:'* 26 G. 3. c. 50.

So much of an Act passed in the said Parliament in the Thirty-second Year of the same Reign, intituled *An Act for reviving and continuing certain temporary Statutes,* as relates to the River *Anna Liffey,* or any Right of Fishery therein: 32 G. 3. c. 40.

An Act passed in the said Parliament in the Thirty-third Year of the same Reign, intituled *An Act for the Encouragement of the Fisheries in this Kingdom, and for continuing certain Acts respecting the same:* 33 G. 3. c. 50.

An Act passed in the said Parliament in the Thirty-sixth Year of the same Reign, intituled *An Act for continuing and amending the several Acts for the further Improvement and Extension of the Fisheries on the Coasts of this Kingdom:* 36 G. 3. c. 52.

39 G. 3. c. 51. An Act passed in the said Parliament in the Thirty-ninth Year of the same Reign, intituled *An Act to revive and amend an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled 'An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of the Reign 'of His present Majesty, intituled "An Act for the Protection and Improvement of the Inland Fisheries '"of this Kingdom:"'*

59 G. 3. c. 109. An Act passed in the Parliament of the United Kingdom in the Fifty-ninth Year of the same Reign, intituled *An Act for the further Encouragement and Improvement of the* Irish *Fisheries:*

5 G. 4. c. 64. So much of an Act passed in the said Parliament of the United Kingdom in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the several Acts for the Encouragement and Improvement of the* British *and* Irish *Fisheries, as relates to Ireland:*

7 G. 4. c. 34. So much of an Act passed in the said Parliament of the United Kingdom in the Seventh Year of the same Reign, intituled *An Act to amend an Act of the Fifth Year of His present Majesty, for amending the several Acts for the Encouragement and Improvement of the* British *and* Irish *Fisheries,* as relates to *Ireland:*

10 G. 4. c. 33. An Act passed in the said Parliament of the United Kingdom in the Tenth Year of the same Reign, intituled *An Act to amend the several Acts for the Encouragement of the* Irish *Fisheries:*

1 W. 4. c. 54. So much of an Act passed in the said Parliament of the United Kingdom in the First Year of the Reign of King *William* the Fourth, intituled *An Act to revive, continue, and amend several Acts relating to the Fisheries,* as relates to *Ireland:*

1 & 2 Vict. c. 76. An Act passed in the said Parliament of the United Kingdom in the Session holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to explain and amend certain Provisions in Acts of the Parliament of* Ireland *for the Protection of Fisheries in that Kingdom:*

Recited Acts, and Parts of any other Acts relating to Irish Fisheries, repealed.

And the said several herein-before recited Acts and Parts of Acts, in so far only as they or any of them relate to the Fisheries of *Ireland,* and all Acts or Parts of Acts continuing or perpetuating the same or any Part thereof, so far only as relates to such Continuation or Perpetuation, and all Enactments whatsoever now in force in *Ireland* relating to the Fisheries thereof, are hereby repealed accordingly, save and except so far as the said Acts or Parts of Acts or Enactments respectively may repeal the Whole or any Part of any other Act or Acts; and also save and except as to any Offences, Penalties, or Matters committed, incurred, or done, or which may be committed, incurred, or done, against or under the Provisions of the said Acts or any of them before the passing of this Act; all which Offences shall be dealt with, considered, and punished, and all such Penalties levied, and all such Matters deemed good, valid, and effectual, to all Intents and Purposes as if this Act had not been passed: Provided always, that nothing herein contained shall be construed to repeal any Enactments or Provisions of the said Acts or any of them, which relate to Piers or Quays, or assisting poor Fishermen, or any Powers in respect thereof now vested in the Commissioners of Public Works in *Ireland,* or any Monies applicable to such Purposes in the Hands of the said Commissioners of Public Works, but that all such Enactments and Provisions relating to Piers or Quays, or the Assistance of poor Fishermen, and all such Powers in respect thereof, or of the Application of the Monies applicable to such Purposes, shall remain in full Force and Effect: Provided also, that nothing herein contained shall be construed to repeal an Act passed in the said Parliament of the United Kingdom in the Session holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for establishing a Joint Stock Company for the Prosecution and Extension of the Fisheries off the Shores of* Ireland, *and for the Improvement of the Sea Coast in connexion with such Fisheries,* or an Act passed in the said Parliament of the United Kingdom in the First Year of the Reign of Her present Majesty, intituled *An Act to enable* Edward Joshua Cooper *Esquire to establish and protect a Salmon Fishery upon the Lakes and Rivers* Owenmore *and* Arrow, *and also within the Bay of* Ballisodare, *in the County of* Sligo *in* Ireland; save that the said *Joshua Edward Cooper,* his Heirs and Assigns, shall not, from and after the passing of this Act, use or exercise any Rights, Powers, or Authorities for the Preservation or Protection of the free Fishery in the said Act mentioned, or for the Detection, Prosecution, Conviction, or Punishment of Trespassers on such Fishery, other than such as after the passing of this Act may be lawfully enjoyed, used, or exercised by the Proprietor of any like Fishery under and by virtue of the Provisions of this Act: Provided also, that nothing herein contained shall repeal or be construed to repeal so much of the said Acts or any of them as regulate, fix, and determine the Close Season for Salmon until the First Day of *January* One thousand eight hundred and forty-four; and that until such First Day of *January* One thousand eight hundred and forty-four the said Close Season shall remain and be observed as now regulated, fixed, and determined by the said Acts or some of them; and that from and after such First Day of *January* One thousand eight hundred and forty-four the said Parts of such Acts so to remain in force until such Day shall be and the same are hereby repealed.

6 & 7 W. 4. c. cxxx. and 7 W. 4. & 1 Vict. c. lxxxix. not repealed.

Proviso as to the Close Season.

The Commissioners of Public Works to be the Commissioners for this Act.

II. And be it enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be and they are hereby constituted and appointed Commissioners for the Execution of this Act, and that all and every the Powers and Authorities in and by this Act given may be exercised by the said Commissioners and any One or more of them; and that it shall and may be lawful for the said Commissioners, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint during Pleasure such and so many Persons to be Inspectors of Fisheries, and also such additional Clerk or Clerks or other Officers as may be necessary for the Purposes of this Act; and that it shall and may be lawful for the said Commissioners of Public Works to pay to the said Inspectors, and to such Clerks or other Officers so appointed as aforesaid, such Sum or Sums by way of Salary or Remuneration

Remuneration as the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall fix and appoint.

Fishermen, &c. may use Waste Shores, for the Purposes of fishing;

III. And be it enacted, That it shall and may be lawful for all Fishermen and Persons employed by them to enter upon all such Beaches, Strands, and Wastes on or adjoining the Sea Shore, or any Estuary, as may be necessary for the Purpose of carrying on any Herring or other Sea Fishing, and also to draw up and spread their Nets and land their Fish upon any such Beach, Strand, or Waste: Provided nevertheless, that they shall not erect any Fixtures or fixed Nets thereon, save as herein-after provided.

or for watching for Fish.

IV. And be it enacted, That it shall be lawful for all Watchmen, Directors, and Guiders of Fishermen, and all such Fishermen themselves, and such other Persons as shall necessarily attend the Nets or Fishings at the Times of fishing for Herrings, Pilchards, and other Sea Fish, to enter and go into and upon any Lands which do lie or adjoin near unto any Fishing Place, fit, convenient, and necessary to watch and to draw or carry the Fish on shore, and there to watch for the said Fish, and to direct and guide the said Fishermen which shall be upon the Sea and Sea Coasts for the taking of the said Fish; provided that no Person shall be empowered or authorized by this Act to enter in or upon any enclosed Garden, or any Tillage Land with a growing Crop thereon.

Penalty for obstructing Fishermen in using such Shores, &c.

V. And be it enacted, That if any Person shall resist or forcibly obstruct any Fisherman or Person employed by him in entering upon and using in the Manner and for the Purposes aforesaid the said Beaches, Strands, Wastes, and other Lands, save Gardens and Lands with a growing Crop as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations as to Sea Nets.

VI. And be it enacted, That no Net or other Engine covered with Canvas, Hide, or other Material, by which unsizeable and young Fish may be taken or destroyed, shall be used on the Sea Coast, or within any Estuary, except for the Purpose of dredging for Shell Fish, and every Person offending by such Use of any such Net or Engine shall forfeit the same, and shall also for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

No Herring or other Nets, save as herein provided, to be shot or left floating in the Daytime.

VII. And be it enacted, That no Person shall, at any Time between Sunrise and Sunset, set, either in the Sea or within the Tide Way in any Estuary, any Sea Net for the catching of Herrings, or any Trammel Net, or leave any Drag or other Net in the Water between Sunrise and Sunset, except Stake or Fixed Nets for the catching of Salmon, as is herein-after provided, and save also Seines or Drift Nets for Pilchards or Fish other than Herrings, provided such Stake or Fixed Nets and such Seines or Drift Nets be used at such Times and Places as may not be prohibited by the Bye Laws herein-after mentioned; and every Person offending by setting or leaving set any such Net, save as aforesaid, shall forfeit the same, and shall also for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Fishermen not hauling up their Nets.

VIII. And be it enacted, That every Person who shall, between Sunset and Sunrise, have set, either in the Sea or within the Tide Way in any Estuary, any such Net as is hereby prohibited from being left set or in the Water between Sunrise and Sunset, shall before Sunrise haul up and remove such Net or Nets; and every Person offending by not so hauling up and removing such Net before Sunrise shall forfeit the Net so set or in the Water, and shall also forfeit and pay any Sum not exceeding Five Pounds, unless it shall be proved to the Justice before whom Complaint shall be made against such Person that he was prevented by sudden Storm or Stress of Weather from hauling up and removing such Net.

Penalty on Use of Trawl and Trammel Nets.

IX. And be it enacted, That every Person who shall use any Trawl or Trammel Net at any Season or any Place, either in the Sea or within the Tide Way in any Estuary, when or where the Use of the same shall have been prohibited by any Bye Law to be made as herein-after mentioned, shall forfeit every such Net so used, and shall for every such Offence also forfeit and pay any Sum not exceeding Twenty Pounds.

Nets shall not be set or Lines laid contrary to the Bye Laws.

X. 'And whereas Shoals of Herrings and other Fish are frequently prevented from entering Bays and 'Estuaries by Persons setting Nets at or across the Entrance of such Bays and Estuaries;' be it therefore enacted, That if any Person shall set any Net at or across the Entrance of any Bay or Estuary in any Place or at any Time which shall be prohibited by any such Bye Law, every Person so offending shall forfeit and pay for each such Offence any Sum not exceeding Five Pounds.

Penalty for stealing Oysters or Oyster Brood.

XI. And be it enacted, That if any Person shall steal any Oysters or Oyster Brood from any Oyster Bed or Laying, being the exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, every such Offender shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly: Provided always, that nothing herein contained shall extend to any Case where the Party taking such Oysters, or accused of stealing the same, shall have acted under a fair and reasonable Supposition, that either he himself, or any other Person in whose Right or by whose Authority he acted, or the Public at large, had a Right to take the said Oysters, and to convert the same to his or their own Use.

Penalty for unlawfully using Dredges, &c. within Limits of Oyster Fisheries.

XII. And be it enacted, That if any Person shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Oyster Bed or Laying, being the exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, every such Person shall be deemed guilty of a Misdemeanor, and being convicted thereof shall be punished by Fine or Imprisonment, or

or both, as the Court shall award, such Fine not to exceed Ten Pounds, and such Imprisonment not to exceed Three Calendar Months; and it shall be sufficient in any Indictment or Information to describe, either by Name or otherwise, the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Barony, or County: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing as aforesaid shall have acted under a fair and reasonable Supposition, that either he himself, or any other Person in whose Right or by whose Authority acted, or the Public at large, had a Right so to do; and provided also, that nothing herein contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

Not to extend to Persons fishing for floating Fish.

Bait Beds may be made.

XIII. 'And whereas it is expedient to increase the Means of procuring Bait for the Line Fishery,' be it therefore enacted, That it shall be lawful for the Owner or Occupier of any Land bordering on the Sea, or any Estuary, with the Permission of the said Commissioners, or for any Person or Persons with the Consent of such Owner or Occupier, and with the Permission of the said Commissioners, to form Bait Beds between High-water and Low-water Mark, and in all such other Places adjacent to their respective Portions of Land as shall be suitable for the Purpose; and it shall be lawful for the several Persons planting the same to hold them as private Property, and to exercise an exclusive Control over them, so long as they shall be Owners or Occupiers of such Land: Provided always, that the Formation and planting of such Bait Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Bait, but that the Rights herein-before granted are to be considered as exclusively applying to Places where no such public Banks or Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever in or along the said Sea Shore or Coast, or the Shore of any such Estuary as aforesaid, subject to the Provisions herein contained; and provided further, that if, after the Formation and planting of such new Beds or Banks as aforesaid, any Person shall interfere with or take away any of the Bait from such Bank or Bed, without the Consent of the Owner or Occupier, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons discharging Ballast in improper Places.

XIV. And be it enacted, That no Person shall throw out or unlade from any Vessel the Ballast thereof or any Part thereof within any Estuary, Harbour, or Place, unless where the same may be allowed by the said Commissioners or by the local Regulations of such Harbour or Place; and any Person throwing out or unlading any Ballast, unless where so allowed, or the Master or Owner of such Vessel, at the Election of the Person prosecuting, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

The Coasts of Ireland may be divided into Districts for the Purposes of this Act.

XV. And be it enacted, That, for the Purpose of facilitating the due Execution of this Act, the said Commissioners shall divide the Coast of *Ireland* into such and so many Districts, to be designated by such Names, Marks, or Letters as they shall deem fit, and such Division and Designation shall be published by the said Commissioners in the *Dublin Gazette* and provincial Newspapers circulating in the Counties adjoining the Coast, and shall also be entered in the Bye Laws herein-after directed to be made by the said Commissioners.

Fishing Vessels on the Coast of Ireland to be registered and marked.

XVI. And be it enacted, That at such of the Coast Guard Stations and Custom House Offices within such Districts respectively as the said Commissioners shall appoint, subject to the Consent and Approbation of the Commissioners of Her Majesty's Customs, there shall be kept by such Officer as the said Commissioners of Public Works may appoint, in a Book or Books to be provided for that Purpose, a Registry of all Vessels engaged in fishing, and belonging to Places within the District in which such Coast Guard Station or Custom House Office may be situate, together with the Names of the Owners of such Vessels, and of the Ports to which the same may respectively belong, and the Number of Men usually employed in each such Vessel; and the Owners of such Vessels are hereby required to have registered accordingly their Names, and the Names of their Vessels, and they Ports to which the severally belong, and the Number of their Men; and the Owner of each Vessel shall be furnished by the Registering Officer with a Certificate of such Registry signed by him, and pay such Sum as the said last-mentioned Commissioners may direct, not exceeding the Sum of One Shilling for each such Certificate; and such Certificate shall be conclusive Evidence of such Registration, and the Number, Mark, or Letter which shall be assigned to each Vessel by the Registering Officer, together with the Names of the Vessel, of the Owner, or some One of the Owners where more than One, and of the Port to which such Vessel belongs, shall be painted on the Stern of such Vessel, and such Number and Mark or Letter shall be also painted on the Sails, and Bows or Quarters, and on the Buoys attached to the Nets used with such Vessel, or on small Boards permanently attached to such Nets for the Purpose, in such Manner and in Figures of such Dimensions as the said Commissioners shall direct; and if any Vessel shall be used for fishing on any Part of the Coast of *Ireland*, or within any Estuary thereof, at any Time after the First Day of *January* One thousand eight hundred and forty-three, which Vessel shall not have been so duly registered as aforesaid, or on the Stern whereof the Name of such Vessel, that of the Owner or One of the Owners, and of the Port to which such Vessel may belong, shall not be so painted, or on the Sails, Bows or Quarters, and Buoys or small Boards attached to the Nets whereof such Number or Mark or Letter shall not be so painted, the Owner, Master, or Chief Officer of such Vessel so used shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds: Provided always, that when any Vessel shall not be permanently engaged in fishing the Number and Mark or Letter may be temporarily attached to the Sails, Bows, and Quarters of such

Penalty for using Vessels not registered.

such Vessel, in such Manner and for such Time as shall be permitted by the said Commissioners; and provided also, that Vessels belonging to Places out of *Ireland* may, for the Purposes of this Act, be registered at the Coast Guard Station or Custom House Office, as the Case may be, of any District within or adjoining which such Vessel shall be engaged in fishing for the Time being, the Owner, Master, or chief Officer of any such Vessel being subject nevertheless in both last-mentioned Cases to forfeit and pay a Sum not exceeding Ten Pounds if he shall neglect to comply with the Provisions aforesaid.

All Bodies Corporate, &c. empowered to demise Lands for the Purposes of this Act.

XVII. 'And whereas it is expedient to encourage the Erection of Stores and other Buildings which 'may be required for the Purpose of curing and preserving Fish;' be it therefore enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, and all Bishops and other Ecclesiastical Persons as to Lands held by them in right of their respective Dignities or Benefices, and for every Person or Persons seised in Fee Tail or for Life, and for the Trustee or Trustees, Guardian or Guardians of any Minor, or the Committee or Committees of any Idiot or Lunatic, seised as aforesaid of and in any Lands near or adjacent to the Sea Coast of *Ireland*, to demise to any Person (who shall covenant and agree with such Bodies Politic, Corporate, Collegiate, Aggregate, or Sole, or with such Tenants in Tail or for Life, or such Trustees, Guardians, or Committees as aforesaid, within the Space of Seven Years from the Commencement of such Lease, to lay out a Sum not less than the Amount of Five Years Rent, to be reserved by the said Lease or Leases, in good and substantial Buildings upon the same,) any Quantity of Ground for the aforesaid Purposes, not exceeding Ten Acres Statute Measure in any One such Demise, for any Term of Years or for the Term of Three Lives, with Covenant for Renewal for ever on Payment of a Peppercorn by way of Fine for each Renewal, at the highest and best Rent that can be got for the same, without any Fine or Foregift to be taken for making such Lease: Provided always, that such Ground so demised be not more than One Mile distant from the Sea Shore, or be not Part or Parcel of the Demesne usually held and occupied with the Mansion House of the Owner of the said Lands, and provided the said Demise be made by Deed, and duly executed in the Presence of Two credible Witnesses, and provided the said Commissioners shall by Endorsement thereon certify their Consent and Approbation, and that the Tenant do execute a Counterpart thereof in like Manner in the Presence of Two credible Witnesses; and in case the Lessee or his Representatives shall duly fulfil his Covenants for building as aforesaid, the Premises granted and demised by such Lease shall be held and enjoyed by such Tenant, his Heirs and Assigns, according to the Nature of the Tenure, and notwithstanding any Judgment or Charge affecting the said Lands, or any Limitations in any Will or Settlement restraining such Lease as aforesaid.

Persons possessed of a several Fishery empowered to erect Stake and other fixed Nets for taking Salmon in any Estuary, &c.

XVIII. 'And whereas Doubts exist with respect to the Right to use Stake Weirs and Stake Nets, Bag 'Nets, and other fixed Nets for the Purpose of catching Salmon in the Sea and Tide Ways along the 'Coast of *Ireland*, and it is necessary to define and declare such Right;' be it therefore declared and enacted, That it shall and may be lawful for any Person legally possessed of or entitled to any several Fishery in or along any Estuary or Part of the Sea Coast in *Ireland* to fix or erect, or authorize and empower any Lessee or Assignee to fix or erect, within the Limits and Bounds of such Fishery, but subject to the Provisions of this Act, and such Regulations and Restrictions as may be made by the said Commissioners pursuant to the Powers herein-after reserved to them, any Stake Weir, Stake Net, Bag Net, or other fixed Net for the taking of Salmon: Provided always, that the placing or Erection of such Stake Nets or other fixed Nets as aforesaid shall not give or confer any Right or Title to the Occupancy of the said Shore (except for the Purpose of attaching the said fixed Nets thereto); saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever, in or along the said Sea Shore or Coast, or the Shore of such Estuary as aforesaid, subject to the Provisions herein contained.

Proprietors and Lessees of Lands adjoining Sea Coast empowered to erect fixed Nets where no several Fishery exists.

XIX. And be it enacted, That it shall and may be lawful for every Person who shall hold and occupy as Tenant in Fee Simple or in Fee Tail, or as Tenant for Life, or as Tenant under any Lease for a Life or Lives, or as Tenant for a Term of Years of which not less than Fourteen Years shall be unexpired at the Time of first erecting such Net, any Land adjoining the Sea Shore, or any Estuary, not being within the Limits of any such several Fishery, but subject to the Provisions of this Act, and to such Regulations and Restrictions as may be made by the said Commissioners as aforesaid, to fix or erect such Stake Net or other fixed Nets as aforesaid attached to that Part of the Shore adjoining such Land: Provided always, that no Tenant under any Lease for a Life or Lives determinable, or for Years, of which less than One hundred shall be unexpired, shall be empowered to fix or erect such Stake Nets or other fixed Nets as aforesaid without the previous Consent in Writing of the chief Landlord or Lessor seised of any Rent and Reversion in such Land; and provided also, that the placing or Erection of such Stake Nets, or other fixed Nets as aforesaid, shall not give or confer any Right or Title to the Occupancy of the said Shore (except for the Purpose of attaching the said fixed Nets thereto during such Occupancy of the Land as aforesaid); saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever, in or along the said Sea Shore or Coast, or the Shore of such Estuary as aforesaid, subject to the Provisions herein contained.

Saving Right of the Public to the Use of the Shore.

Size of Meshes of Stake, Bag, or other Sea Net.

XX. And be it enacted, That no Drag, Stake, Bag, or other Net or Engine for the taking of Salmon, with Meshes or Openings of less Size than Two Inches and a Half between Knot and Knot or Angle and Angle, to be measured on each Side of the Square, or Ten Inches measured round each such Mesh or Opening in the Clear when wet, allowing Four Knots or Angles to each Mesh or Opening, nor any Engine for the taking of Salmon which shall be formed of Wood, Iron, or other rigid Material, with Meshes or Openings of less Width than Three Inches on each Side of the Square, and where no Meshes or Openings

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of the Nature of Reticulations shall be used of less Width between the Bars than Two Inches, shall be used on any Part of the Coast in *Ireland*, or within any of the Bays, Estuaries, or Tide Ways thereof, save and except by the Proprietor of the whole of the Fishery of the River flowing into such Bay, Estuary, or Tide Way, from the Mouth to the Source thereof, including its tributary Streams; and that if any Person shall offend by using any such Drag, Stake, Bag, or other Net or Engine, with Meshes or Openings of less Width than aforesaid, he shall for such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Drag, Stake, Bag, or other Net or Engine shall also be forfeited.

No Stake or fixed Net to be so placed as to be injurious or detrimental to Navigation.

XXI. Provided always, and be it enacted, That no Stake Weir, Head Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting a Net, shall in any Case be placed or erected in such a Manner as to be injurious or detrimental to Navigation; and that in case any such Stake Weir, Head Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting a Net now is or at any Time after the passing of this Act shall be so placed and erected as, in the Judgment of the said Commissioners, to be injurious and detrimental to Navigation, it shall and may be lawful for the said Commissioners, upon due Inquiry, after summoning before them the Owner or Owners of such Weirs or Nets, to declare such Weirs, Nets, or Contrivances as aforesaid a Nuisance; and the said Commissioners are hereby empowered, by Warrant under their Hands and Seals, to authorize any Person to abate and remove such Weirs, Nets, and Contrivances as aforesaid at the Expence of the Person placing or erecting the same; and if any Person shall again create the like Nuisance, every such Person shall for such Offence forfeit and pay a Sum not less than Twenty Pounds, or exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed or taken to affect or abridge the Powers of Her Majesty's High Court of Admiralty, or any other Jurisdiction, in relation to the placing or Erection of such Weirs, fixed Nets, or Contrivances.

Stake and other fixed Nets shall not be placed in the narrow Parts of Estuaries, nor in the Mouths of Rivers, or within One Mile thereof, where Breadth of same does not exceed Half a Mile.

XXII. Provided always, and be it enacted, That in such Parts of any Estuary or the Mouth or Tidal Part of any River, where the Breadth of the Channel at Low Water of Spring Tides is less than Three Quarters of a Mile Statute Measure, it shall not be lawful (any thing herein contained to the contrary notwithstanding) for any Person, save and except the Proprietor of a several Fishery in the whole of such Estuary and River, to erect any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance for placing or erecting a Net; and that where the Breadth of the Mouth or Entrance into the Sea of any River, the Inland Portion of which is frequented by Salmon, is less than Half a Mile Statute Measure at Low Water of Spring Tides, it shall not be lawful for any Person whatsoever (save and except the Proprietor of a several Fishery within the Limits thereof) to place or erect any such Weir or Net within One Statute Mile Seaward, Coastwards, or Inwards from or on either Side of the Mouth or Entrance of any such River into the Sea, the Mouth or Entrance of such River to be defined and determined for such Purpose by the said Commissioners; and if any Person shall offend by erecting any such Stake Weir, Stake Bag, or other fixed Net contrary to the Provisions herein-before contained, he shall for every such Offence forfeit a Sum not exceeding Thirty Pounds, and shall also forfeit such Weir or Net; and the Stakes thereof shall be ordered, by the Justice imposing such Penalty as aforesaid, to be pulled down or destroyed at the Expence of the Person so offending.

Saving for Stake Weirs, &c. established 20 Years.

XXIII. And be it enacted, That nothing herein contained shall be construed to render illegal any Stake Weirs and other Contrivances for placing or erecting Nets which have been established for Twenty Years or upwards before the passing of this Act, in any Estuary or Portion of River within a Tide Way of less Width than Three Fourths of a Mile at Low Water of Spring Tides: Provided always, that nothing herein contained in regard to the Period during which such Weirs shall have been established or otherwise, shall be construed to increase, lessen, or affect the Title of any Party claiming to maintain such Weir, or any Party disputing such Title, but all Parties shall be entitled to their respective Rights as if this Act had not been passed, except so far as such Rights may depend on any Act hereby repealed, and provided also, that such Weirs and Contrivances shall in all other respects be subject to and the Persons using or owning the same bound by the Provisions of this Act.

Stake Weirs, &c. erected for 10 Years or upwards within the Limits of a several Fishery not to be deemed illegal.

XXIV. And be it enacted, That nothing herein contained shall be construed to render illegal any Stake Weirs, Ebb and Flood Weirs, and other Contrivances for placing or erecting Nets which have been established for Ten Years or upwards before the passing of this Act within the Limits of a several Fishery, in any Estuary or Portion of a River within a Tide Way of less Width than Three Fourths of a Mile at Low Water of Spring Tides, by any Person legally possessed of or entitled to such several Fishery by Charter, Grant, Patent, Prescription, or Act of Parliament, in and by which such Limits are accurately defined: Provided always, that such Weirs and Contrivances shall in all other respects be subject to and bound by the Provisions of this Act.

Saving for Head Weirs.

XXV. And be it enacted, That nothing in this Act contained with regard to the Restriction upon the Erection of Weirs in Rivers and Estuaries less than Three Quarters of a Mile broad at Low Water of Spring Tides, shall be construed to apply to that ancient Description of Weir commonly called Head Weir, not fished by means of a fixed Net, but the Rights of every Party now legally entitled by Charter or prescriptive Right to the Erection and Maintenance of such Weir shall continue the same as if this Act had not passed: Provided always, that such Weir shall in all other respects be subject to and the Persons using or owning the same bound by the Provisions of this Act.

Stake Nets shall not extend further than from High to Low Water Mark.

XXVI. And be it enacted, That no Stake Weir, Stake Net, nor any Leader, Outrigger, or other Work of any Kind or Description whatsoever connected therewith or adjacent thereto, now erected or hereafter to be erected, shall be placed or erected or suffered to remain in such a Manner as that the same shall extend to a greater Distance than from High-water to Low-water Mark of Spring Tides, save and except

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in the Case of Ebb and Flood Weirs, commonly called Head Weirs, not fished by means of a fixed Net; nor shall any such Weir be so constructed as, in the Judgment of the said Commissioners, to be capable of taking young or unsizeable Fish, or the Fry of Salmon or of any other Fish; and the Nets made use of in the Formation and Construction of the said Stake Weirs or Stake Nets, and of the Leaders of all Bag or other fixed Nets, shall be extended evenly, in such a Manner that the Meshes of the said Nets shall be stretched to their full Opening; and that all Bag Nets shall be so placed and erected as that the Netting of the Leaders thereof can be raised and kept out of the Water; and that Stake Weirs, Stake Nets, and other fixed Nets shall be so placed and erected as that clear Openings for the free Passage of Fish, as herein-after provided, can be made in the Pouches and Traps thereof; and if any Person shall offend by erecting, forming, or placing any Weir, Net, Leader, Engine, or Work in any Manner hereby prohibited, or neglected to construct the same in the Mode required by the Provisions herein-before contained, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Further Regulations as to Stake, Bag, and other fixed Nets.

XXVII. And be it enacted, That it shall not be lawful for any Person, save and except the Proprietor of a several Fishery within the Limits thereof, at any Time to shoot, draw, or use any Net for taking Salmon at the Mouth of any River opening into the Sea (the Inland or Fresh-water Portion of which River is frequented by Salmon), where the Breadth of such Mouth between the Banks thereof shall not exceed a Quarter of a Mile Statute Measure; and that it shall not be lawful for any Person, save such Proprietor as aforesaid, within such Limits as aforesaid, to shoot, draw, or use any Net for taking Salmon within Half a Mile Seaward, or along the Coast from the Mouth of any such River, such Mouth to be defined and ascertained, in case of Dispute, by the said Commissioners; and that it shall not be lawful for any Person, save and except the Proprietor of a several Fishery in the whole of a River and its Tributaries, within the Limits of such several Fishery, to shoot, draw, or stretch Nets entirely across the Mouth or across any other Part of any River; and if any Person shall offend by shooting, drawing, or using any Net in any Place or Manner hereby prohibited, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Nets for taking Salmon not to be used at the Mouths of narrow Rivers, nor to be stretched across the Mouths or any other Parts of Rivers.

XXVIII. And be it enacted, That if any Person shall resist or obstruct any Persons lawfully engaged in fishing or in proceeding to fish, or in returning from fishing as aforesaid, or shall wilfully and maliciously place any Net or other Engines, with the Intent and Design to prevent Fish from entering the Nets of other Persons set or placed in a legal Manner according to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every such Net or other Engine so placed as aforesaid shall also be forfeited.

Penalty on Persons assaulting or obstructing any Person fishing in a legal Manner.

XXIX. And be it enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-four no Fish of the Salmon Kind shall be taken in or from any River, Lake, or Estuary whatsoever, or on the Sea Coast, between the Twentieth Day of *August* in any Year and the Twelfth Day of *February* in the Year following, by any Person, save and except in any River, Lake, or Estuary, or on any Part of the Sea Coast, where the catching of Salmon shall be permitted during such Period by the said Commissioners in conformity with the Powers herein after vested in them for that Purpose.

From 1st. Jan. 1844 the Close Season for Salmon to be from 20th of August to 12th of February.

XXX. And be it enacted, That no Person shall kill, take, or destroy, in any Lakes or Rivers, any Trout between the First Day of *October* in any Year and the Twelfth Day of *February* in the Year following; nor shall any fixed Crib, Cruive, Box, or other Device, nor any Draw, Haul, or other Net of any Description, for the catching of such Trout, be used, in any Lake or River frequented by Salmon, between the Twentieth Day of *August* aforesaid and the First Day of *October* in any Year, or at such Periods between the Terminations respectively of the Open Seasons for catching Salmon and Trout as may be fixed for certain Lakes and Rivers by the said Commissioners as herein-after mentioned.

Close Season for Trout, 1st of October to 12th of February.

XXXI. And be it enacted, That it shall not be lawful for any Person whatsoever, between the Tenth Day of *January* and the First Day of *July* in any Year, to hang or fix any Coghill, Eel, or other Net or Basket, or Basket Work, in the Eye, Gap, or Sluice of any Eel or other Weir in any River, or to make use of any other fixed Engine for taking Eels, or between the First Day of *July* in any Year and the Tenth Day of *January* in the Year following to keep or leave such Net, Basket, or other Engine set, or in the Water, in the Eye, Gaps, or Sluices of such Eel or other Weirs, between Sunrise and Sunset.

Fixed Nets or Engines for taking of Eels shall not be set in inland Rivers between 10th Jan. and 1st July.

XXXII. And be it enacted, That it shall not be lawful for any Person, between the First Day of *May* and the First Day of *September* in any Year, to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except where the Season for taking the same shall be changed by the Commissioners according to the Provisions herein-after contained.

Close Season for Oysters 1st May to 1st September.

XXXIII. 'And whereas it may be found that the Periods herein-before fixed within which it shall 'not be lawful to take Salmon and Trout, or to take Eels by means of Eel Weirs, Coghill Nets, 'Baskets, or other fixed Engines or Cruives, and the Period herein-before fixed within which it shall 'not be lawful to dredge for Oysters, may require to be changed as respects the Fisheries in particular 'Localities;' be it therefore enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person possessed of or interested in any such Fishery as aforesaid, to call a Meeting of the Persons possessed of or interested in such Fisheries, giving Notice of the Day and Place appointed for such Meeting, by printed Handbills, and Advertisement to be inserted once in each Month, for Three Months prior thereto, in some Newspaper or Newspapers published and circulating in the County or several Counties within which, or on the Coast whereof, such Fisheries are in whole or in part situated; and it shall be lawful for the said Commissioners to issue Summonses for Witnesses

Commissioners empowered to alter the Close Season in any River or District upon Inquiry had, and Proof that such Alteration is expedient.

Witnesses to attend and give Evidence with respect to the said Fisheries; and the said Commissioners shall hear and receive all such pertinent Evidence as shall be offered to them on the Subject of the said Fisheries, and shall examine and inquire into the same, upon Oath or otherwise, and by all such Means as may be deemed expedient by them, and may, if they shall so think fit, decide that the Period herein-before appointed for the Close Time of such Fisheries respectively shall cease, and that such other Period as shall then be fixed upon by them as the Close Time for any of such Fisheries shall be kept and observed in lieu thereof, or alter, if so required as aforesaid, the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels: Provided always, that such Close Season or Period during which it shall not be lawful to take Salmon shall not comprise fewer than One hundred and twenty-four Days in each Year, and also that the Expences of the Application, and all Proceedings consequent thereon, shall be defrayed by the Person or Persons who shall have signed such Application; and provided also, that the Close Season for Salmon in all Rivers in *Ireland* shall, as herein-before provided, remain, as at present, until the First of *January* One thousand eight hundred and forty-four.

Decision of Commissioners as to Close Season shall be published.

XXXIV. And be it enacted, That the Decision as to the Close Time of any District, or of any Lake or River, or as to the Periods within which it shall be lawful to take Eels by means of Eel Weirs, Coghill Nets, Baskets, or other fixed Engines, shall be published in the *Dublin Gazette*, and in some one Newspaper circulating in the County or each of the Counties within which such District is in whole or in part situated, or such Lake or River is situate, or in whole or in part flows, and a Copy thereof lodged in the Office or Offices of the Clerk or Clerks of the Peace, and Clerks of Petty Sessions, for such County or Counties aforesaid; and the said Commissioners shall give to said Decision such further Publicity, either by the posting of Handbills or otherwise, as to them shall seem fit; and for the Purpose of convicting any Person or Persons offending against such Decision, a Copy of the Gazette containing such Decision, or an attested Copy of such Decision, obtained from the Office of the Clerk of the Peace with whom the same may be lodged, and who is hereby required to furnish the same on Payment of a Sum not exceeding Two-pence for every Seventy-two Words, shall be conclusive Evidence of the Existence of such Decision and the due Publication thereof: Provided always, that in case the said Commissioners shall decide upon altering the Close Season herein fixed for such Fisheries as aforesaid, such Change or Alteration shall not commence and take effect until the Expiration of Three Months from the Date of the said Decision.

Close Season thus determined to continue for Three Years, and until like Proceedings for Alteration shall be again had.

XXXV. And be it enacted, That the Close Time so fixed shall be the Close Time of the District or of the Lake or River in respect of which such Decision shall have been made, instead of the Time mentioned in this Act, and shall be observed and kept as if the Time so determined by the said Commissioners had been mentioned in this Act, and shall thereafter continue so to be until changed by the said Commissioners; and that at any Time after the Expiration of Three Years from the Commencement thereof, or at any Time after the Expiration of a like Period of Three Years from the Commencement of any subsequent Change to be made in pursuance of the Provisions of this Act, it shall and may be lawful for the said Commissioners, upon the like Application, and if upon like Inquiry they shall so think fit, again to change the same; and the same Proceedings towards the so doing as are herein-before prescribed in relation to the first Change shall take place on each such future Change, and the same Provisions shall apply thereto.

Penalty for any Person catching, taking, having in his Possession, or offering for Sale, Salmon or Trout caught in Close Seasons.

XXXVI. And be it enacted, That if, during the Close Season for Salmon now fixed by any Act in force in *Ireland*, or which after the First Day of *January* One thousand eight hundred and forty-four will become fixed by this Act, or shall be from Time to Time fixed by the said Commissioners as aforesaid, as the Close Time for or in respect of any River, Lake, Estuary, or any Part of the Sea Coast, any Person shall wilfully take or fish for, or aid or assist in taking or fishing for, any Salmon or Trout therein or therefrom, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, and shall also forfeit every Fish so taken, and every Net or Engine by which the same may have been taken; and if any Person shall buy, sell, or expose to Sale, or have in his Custody or Possession, any Salmon or Trout so caught in such Close Time as aforesaid, such Person shall forfeit each and every such Fish, and a Sum not exceeding Two Pounds for each such Fish; and in any Proceeding for the Recovery of the said last-mentioned Penalty Proof that such Person had the Salmon or Trout in his Custody or Possession during such Close Season shall be *primâ facie* Evidence that the said Salmon or Trout was caught during the Close Season as aforesaid; and if any Person shall place or hang any Coghill or Eel Nets or Baskets, or other fixed Modes of catching Fish, in the Eyes, Gaps, or Sluices of Eel or other Weirs, within the Periods prohibited by this Act, or to be prohibited by the said Commissioners in pursuance of this Act, such Person shall forfeit such Nets, and shall pay or forfeit a Sum not exceeding Ten Pounds for each such Net; and if any Person shall hang or set, or leave hung or set, such Nets as last aforesaid, between Sunrise and Sunset, within the Periods allowed for the said Fishery, such Person so offending shall forfeit the said Nets, and shall pay or forfeit a Sum not exceeding Five Pounds for each such Net; and in any Proceedings against any Person for the Recovery of any Penalty incurred by Violation of the Provisions aforesaid, Proof that such Person is the Occupier of such Weir shall be *primâ facie* Evidence that the said Nets were hung or set, or left hung or set, by him; and if any Person shall dredge for, take, catch, or destroy, have in his Possession, sell, or buy, any Oysters or Oyster Brood within the Period prohibited by this Act, or within the Period to be prohibited by the said Commissioners in pursuance of this Act, such Person shall forfeit such Oysters, and forfeit and pay a Sum not exceeding Five Pounds for each Offence; provided that nothing herein contained shall be construed

to prevent the Proprietor of any Oyster Bed, or any Person deriving under him, from removing or laying down Oyster Brood during such Close Season.

All Machinery, Nets, and Tackling for the taking of Salmon, &c. in Salmon Weirs, or other fixed Engines, shall be wholly removed during Close Seasons.

XXXVII. And be it enacted, That during the Close Season for Salmon so fixed by any Act now in force in *Ireland*, or which shall after the First Day of *January* One thousand eight hundred and forty-four become fixed under this Act, or which shall be fixed as aforesaid by the said Commissioners, every Occupier or Farmer of any Fishery shall remove and carry away or cause to be removed and carried away, from such Fishery, and the Weirs, Dikes, and Dams connected therewith, and from the River or Stream in which such Weirs, Dikes, or Dams are placed, and from the Landing Places adjoining thereto, all and every Engine, Spear, Hand Net, or other Net, Inscale, Hecks, and Rails of all Cruives, Boxes, or Cribs, used for the Purpose of taking or killing Salmon, and the Tops of such Cruives, Boxes, or Cribs, and all Planks and temporary Engines and Fixtures used and required for the fishing of the same; and that all and every Obstruction to the free Passage of the Fish in and through each and every such Cruive, Crib, or Box be wholly removed and carried away within Thirty-six Hours after the Expiration of the Open Season so fixed as aforesaid, and shall not be again placed or allowed to be placed or to remain therein until within Thirty-six Hours of the Commencement of such Open Season; and in case any such Occupier or Farmer shall omit or neglect so to remove all and every such Net, Engine, or other Tackle, Contrivance, or Obstruction as aforesaid, and to keep the same apart from the said Fisheries during the Time aforesaid, or shall neglect to maintain and keep such Cribs, Boxes, or Cruives free from all Obstructions to the Passage of Fish during the Time aforesaid, he shall forfeit all such Nets, Engines, or other Tackle or Contrivance as aforesaid, and shall for every such Offence forfeit and pay a Sum not exceeding Fifty Pounds, and shall also, for every Day during which he shall suffer such Obstacles and other Things to remain and be unremoved beyond the Period prescribed by this Act, forfeit and pay a Sum not exceeding Five Pounds; and it shall be lawful to and for the Justice of the Peace before whom the Person so offending shall be convicted to order the Removal and Sale of such Nets, Engines, or other Tackle at the Expence of the Person so offending: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Floods, Storm, or Stress of Weather from removing any such Net, Engine, or Tackle during the Continuance of such Prevention; and provided also, that the Proprietor or Farmer of any Salmon Weir now legally entitled by Patent, Charter, or otherwise to a Right of Fishing for Eels in such Weir, and who has exercised such Right previous to the passing of this Act, shall not be liable to any Penalty on account of his placing, hanging, or using Coghill or Eel Nets or Baskets in the Eyes or Gaps of such Weir, if such Coghill or Eel Nets or Baskets be only used in conformity with the Provisions of this Act, and be only hung in Four Fifths in Number of the Eyes or Gaps of such Weir, and the other One Fifth of such Eyes or Gaps, in addition to the Queen's or free Pass, be kept open and unobstructed for the free Passage of all Kinds of Fish, as herein provided; and provided also, that nothing herein contained shall be construed to exempt such Proprietor or Farmer from Liability to the Penalties by this Act directed in case any Salmon or Trout shall be killed, taken, or caught in such Weir during Close Season, or in case he shall not keep open and unobstructed, according to the Provisions of this Act, One Fifth in Number, as aforesaid, of the Eyes or Gaps of the said Weir.

Penalty for Neglect.

Proviso.

All Bag, Sole, Fly, or Stake Nets and other Engines for catching Salmon in the Tide Way shall be removed during Close Season.

XXXVIII. And be it enacted, That during the Close Season for Salmon so fixed under any Act now in force, or which shall after the said First Day of *January* One thousand eight hundred and forty-four become fixed by this Act, or which shall be fixed by the said Commissioners as aforesaid, every Proprietor, Lessee, or other Person who shall be engaged in fishing for Salmon by means of fixed Engines, shall remove and carry away, or cause to be removed and carried away, from the Poles or Fixtures to which they shall be attached, all Stake Nets, Bag Nets, Sole Nets, Fly Nets, or other Devices or Engines used for the Purpose of taking Salmon, except where such Nets, Devices, or Engines shall be formed of Wood, Iron, Copper, or other rigid Substance, in which Case a clear Opening of Four Feet in Width shall be made and maintained in and completely through the Pouches, Traps, or Chambers of all such Nets, Devices, or Engines, from the Top to the Bottom of such Pouches, Traps, or Chambers, and in the Eyes of Flood and Ebb Weirs, commonly called Head Weirs, so as to allow the free Passage of Salmon and other Fish through the same, and effectually to prevent the catching or taking of any Fish therein; and in case any such Person shall omit or neglect to remove or carry away all such Nets and Engines, or, as the Case may be, to make and maintain free from all Obstruction such Openings as aforesaid, during the Times aforesaid, he shall forfeit all such Nets or Engines, and shall forfeit and pay a Sum not exceeding Fifty Pounds, and shall also, for every Day during which such Nets or Engines shall remain and be unremoved beyond the Period prescribed by this Act, forfeit and pay a Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Storm or Stress of Weather from removing such Nets or Engines, or making such Openings as aforesaid, during the Continuance of such Prevention.

Penalty.

Saving for Weirs to catch White Sea Fish.

XXXIX. 'And whereas Soles, Turbot, Sprats, Hake, and other White Sea Fish are now caught by 'means of Weirs in the Tide Ways of certain Rivers during the Close Salmon Season, and it is expedient 'that such Fisheries should, under certain Restrictions, be permitted;' be it enacted, That it shall be lawful for all Persons now legally entitled by Charter or prescriptive Right to the Use of such Weirs to continue to use them for the Purpose of catching White Fish, notwithstanding its being the Close Salmon Season, provided they obtain the Licence of the Commissioners appointed under this Act to do so; and it shall be lawful to the said Commissioners to issue their Licence accordingly for such Period as they may think proper; provided, however, that all such Weirs shall be subject in all other respects

to the Provisions of this Act, and to such Bye Laws and Regulations as may be made in regard to them by the said Commissioners, pursuant to the Powers reserved to them in this Act.

Salmon or Trout not to be taken in any Traps, Nets, or fixed Engines from Six o'Clock on Saturday Evening to Six o'Clock on Monday Morning.

XL. And be it enacted, That it shall not be lawful, in inland Lakes or Rivers, to take, kill, or fish for any Salmon or Trout in or by any Crib, Box, Cruive, Eye, Sluice, or Gap in any Eel or other Weir or Dam, or by any Nets of what Nature or Kind soever, between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning; and that it shall not be lawful, in the Sea or any Estuaries or Tide Ways, to take, kill, or fish for any Salmon or Trout in or by any Stake, Flood, Ebb, or Head Weir, Stake Net, Bag Net, fixed Net, or other Net whatsoever, between the Low Water next in point of Time before Six of the Clock on *Saturday* Night and the Low Water next in point of Time before Six of the Clock on *Monday* Morning, but that in each of such Stake, Flood, Ebb, or Head Weir, and Stake Net, a clear Opening of at least Four Feet in Width shall be made, and kept free from Obstruction, in the Pouches, Traps, Chambers, or Eyes of the same, from the Bottom to the Top thereof, so as effectually to allow of the free Passage of Salmon and other Fish through such Pouches, Traps, Chambers, and Eyes during such weekly Close Time; and that the Netting of the Leader of each and every such Bag, Fly, Sole, or other fixed Net of similar Construction, shall during such Time be raised and kept out of the Water; and also that in all Rivers, Lakes, and Tide Ways all other Nets and Baskets whatsoever, except those used for the taking of Eels, shall be wholly removed and taken out of the Water for and during the Space of Time above mentioned; and the Inscales or Gates and Rails or Framework of all such Cribs, Boxes, or Cruives for the catching of Salmon, or other Fish of the Salmon Kind, shall be removed out of or opened in each such Crib, Box, or Cruive, Eye, Sluice, or Gap, in every Salmon or other Weir wherein Salmon may be caught, in such a Manner that a clear Opening of not less than Four Feet in Width from the Bottom to the Top of each such Crib, Box, or Cruive shall be left therein, and that a free, direct, and uninterrupted Space or Opening of the said Width shall be effectually secured for the Passage of Fish of all Kinds, both up and down, through such Boxes, Cribs, or Cruives; and any Person occupying or using any such Box, Crib, Cruive, Stake, Flood, Ebb, or Head Weir, Stake, Bag, or other fixed Net, Basket, or other Engines for catching Fish, and failing to remove or open the same as required by this Act, and any Person using any Means, Device, or Contrivance to prevent the free Passage through such Box, Crib, Cruive, or Engine, or in any Way or by any Means wilfully frightening or scaring, or attempting to frighten or scare, any Salmon or other Fish from passing through such Box, Crib, Cruive, Pouch, Trap, Eye, Sluice, Gap, or other Engine, or taking therein any Salmon between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning, or between the Low Waters next in point of Time to those Periods respectively, as the Case may be, shall for every such Offence forfeit and pay a Sum not less than Five Pounds and not exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Floods, Storm, or Stress of Weather from removing such Leaders, or making such Openings as aforesaid, during the Continuance of such Prevention.

Leaders of Bag Nets, &c. to be removed during that Time.

A free Passage of Four Feet wide to be left during that Time through each Crib or Trap for taking Salmon, &c.

Penalty.

In all Salmon and other Weirs for the taking of Salmon or other Fish a free Gap or Queen's Share to be left.

XLI. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-three, in all standing Weirs, Dams, or Dykes, of what Nature or Kind soever, which extend more than Halfway across any River at the lowest State of the Water thereof, or more than Halfway across any Branch thereof, for the Purpose of catching Salmon, Eels, or other Fish, a free Gap or Queen's Share shall be left or formed in the deepest Part of such River or any such Branch as aforesaid, and shall be constructed in such Manner that the Sides of the said free Gap or Queen's Share shall be in the Line of and parallel to the natural Direction of the Stream of such River or Branch as aforesaid, and that the Bottom thereof shall be level with the natural Bed of such River or Branch as aforesaid above and below such Gap or Queen's Share, and that the Width thereof, at its narrowest Point, shall be not less than Forty Feet in the Clear in all such Rivers or Branches as aforesaid of and exceeding Four hundred Feet in Breadth, and not less in the Clear than One Tenth Part of the Breadth of such River or Branch thereof in all such Rivers or Branches as aforesaid of less than Four hundred Feet and not less than One hundred Feet in Breadth, and not less than Ten Feet in the Clear in all such Rivers or Branches as aforesaid of less than One hundred Feet and not less than Fifty Feet in Breadth, and not less than Five Feet in the Clear in all such Rivers and Branches as aforesaid of less Breadth than Fifty Feet, the Breadth of such Rivers or Branches as aforesaid in all Cases to be ascertained by measuring the Breadth of the natural Bed thereof at the Place where such Weir, Dam, or Dyke shall be erected, without reference to any Walls, artificial Banks, or Erections; and in Cases of Dispute relative to any of the Matters aforesaid the same shall be determined by the said Commissioners; and that in all Weirs, Dams, or Dykes in which a free Gap or Queen's Share at present exists, such free Gap or Queen's Share shall not be reduced in Width, nor shall any free Gap or Queen's Share of less Width be substituted in lieu thereof, any thing herein contained to the contrary notwithstanding; and if any Person entitled to or possessed of the Fishing of such River or Branch thereof, or any Weir, Dam, or Dyke, shall omit or neglect to leave or form such free Gap or Queen's Share of the Dimensions, or in the Place, or to construct it in the Manner herein-before required, or shall reduce the Width of any existing free Gap or Queen's Share, or substitute a free Gap or Queen's Share of less Width in lieu thereof, such Person so offending shall forfeit and pay a Sum not exceeding Fifty Pounds, and shall also for every Day during which such free Gap or Queen's Share shall not be left or formed of the Dimensions, or in the Place, or shall not be constructed in the Manner herein-before required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay a Sum not

exceeding Five Pounds: Provided always, that the Person entitled to or lawfully possessed of any Weir, Dam, or Dyke, in which by Law no such free Gap or Queen's Share could previous to the passing of this Act be enforced to be made or widened, shall not be liable to any Penalty by reason of his not widening or making, as the Case may be, such free Gap or Queen's Share, until his Claim (if any) for Compensation for the Loss or Damage he may sustain by widening or making such free Gap or Queen's Share be settled and disposed of, and the Amount of Compensation (if any) paid, tendered, or lodged, according to the Provisions herein-after contained.

Commissioners may require Owners of Weirs in certain Cases to make Gaps therein, and furnish a Claim for Compensation.

XLII. And be it enacted, That in all Cases of Weirs, Dams, and Dykes in which no free Gap or Queen's Share could by Law previous to the passing of this Act be enforced to be made, or in which the free Gap or Queen's Share shall not be of the Width herein-before specified, and could not by Law previous to the passing of this Act be widened, it shall be lawful for the said Commissioners, upon the Application of any Proprietor of Fisheries in or Lands adjoining to the River in which any such Weir, Dam, or Dyke shall be situate, and who shall deposit or secure, to the Satisfaction of the said Commissioners, the Amount of the Cost of all Proceedings necessary to be taken under the Provisions herein contained, to serve a Notice on the Proprietor, Lessee, or Occupier of such Weir, or at his or their known Place of Abode, and thereby to require the Proprietor of such Weir, Dam, or Dyke to enlarge or open a free Gap or Queen's Share therein of such Dimensions as the said Commissioners shall deem fit and shall name in such Notice, not exceeding the Dimensions herein-before specified, and to furnish his Claim for Compensation, or his Objections, if any, to making or widening such free Gap or Queen's Share within a Time to be specified in such Notice, not less than Thirty Days from the Service thereof on the Proprietor, Lessee, or Occupier of such Weir.

Satisfaction may be made, and accepted.

XLIII. And be it enacted, That every Proprietor or other Owner of any such Weir, Dam, or Dyke, or of any Share, Estate, or Interest therein, may accept and receive as Satisfaction and Recompence for the Value of any Injury or Damage that shall be sustained on account of opening or enlarging such free Gap or Queen's Share, or in anywise relating thereto, such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Weir, Dam, or Dyke, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to assess the Value in case of Dispute.

XLIV. And be it enacted, That if any such Proprietor of such Weir, Dam, or Dyke as aforesaid shall neglect or refuse to treat, or shall not agree with the said Commissioners, or, by reason of Absence or Disability, cannot agree, or cannot be found or known, or shall not prove to the Satisfaction of the said Commissioners a clear Title to receive such Recompence or Compensation as aforesaid, or in case any such Proprietor of a Weir, Dam, or Dyke wherein such Gap is to be opened or enlarged as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners, for the Space of Thirty Days after Notice in Writing given to the known Agent or Attorney of such Proprietor as aforesaid, or left at his Place of Abode, or at the House of the Lessee of such Weir, wherein such Gap is intended to be opened or enlarged as aforesaid, or in case the Proprietors of Fisheries in or Proprietors or Owners of Lands adjoining the River in which such Weir, Dam, or Dyke shall be situate, shall not agree with the Proprietor of such Weir, Dam, or Dyke, or shall not subscribe and deposit the Amount which the said Commissioners may agree upon with the said Proprietor of such Weir, Dam, or Dyke as the Amount of Compensation to be paid for enlarging or opening such free Gap or Queen's Share, or shall not agree upon the Proportions in which such Amount of Compensation is to be paid by the several Proprietors respectively, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in a Notice to be served as aforesaid, and published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in a Newspaper circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, and through or by which such River shall flow, to inquire and examine, and assess and award the Sum of Money to be paid for such Satisfaction or Recompence as aforesaid, and ascertain and settle in what Proportions the Proprietors of Fisheries in such River, or in any River or Stream tributary thereto, or Proprietors or Owners of Lands adjoining the same, should contribute to pay the Sum so awarded, and the said Commissioners shall award such Recompence so to be assessed; and the said Commissioners shall in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Weir, naming or describing the same, in respect of which such Sum has been so awarded, and the Position and Breadth of such free Gap or Queen's Share, and the Names or other Description of the Fisheries or Lands, as the Case may be, the Proprietors or Owners of which are to contribute the Amount awarded for such Satisfaction or Recompence as aforesaid, and the Proportion to be contributed by each respectively; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty, and all other Persons interested, except in the Case and subject to the Provisions herein-after contained: Provided always, that the Person who shall under the Provision before mentioned be deemed a Proprietor of Lands shall be the Proprietor in Fee Simple or Fee Tail, or for a Lease of Lives renewable for ever, or for Life,

Life, with Remainder to his Issue, or for ever, or for a Term of which not less than One hundred Years are unexpired, and from whom the Fishery or Right of Fishing shall not have been reserved.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to the Judge at the Assizes.

XLV. And be it enacted, That if the Proprietor or other Person claiming Compensation on account of such enlarging or opening of the free Gap or Queen's Share in such Weir, Dam, or Dyke, or any Person liable to pay such Compensation as aforesaid, shall be dissatified with the Award of the said Commissioners, it shall be lawful for the Person so dissatisfied to appeal to the Judges of Assize, or One of them, at the Assizes which shall be held next after any such Award shall have been made and settled as aforesaid for the County wherein such Weir, Dam, or Dyke shall be wholly or in part situate (provided the same shall not be held sooner than Thirty-one Days after the making of such Award), the Party appealing, if there be sufficient Time after the making of such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof; and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Assizes, then such Appeal may be tried at the Assizes which shall be holden for such County next after the Expiration of Thirty-one Days from the making such Award, and the like Notice thereof shall be given; and any Judge at such Assizes, or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, in such and the same Manner as he is at present empowered to do in Cases of Appeal from Decrees on Civil Bills made by Assistant Barristers at Quarter Sessions in *Ireland*: Provided always, that if such Dam, Weir, or Dyke shall be situate in more than One County or between Two or more Counties, such Appeal shall be tried at the Assizes to be held in the County the Assize Town of which shall be nearest to such Weir, Dam, or Dyke; and provided also, that if no Notice of Appeal shall be served on the said Commissioners within Twenty-one Days next after their Award shall be made, the same shall be final, binding, and conclusive upon all Persons and to all Intents and Purposes whatsoever.

Judgments to be final.

XLVI. And be it enacted, That in all such Cases of Appeal as aforesaid the said Judges of Assize or One of them shall give Judgment in respect to the Matter of such Appeal, and such Judgment shall be final, binding, and conclusive to all Intents and Purposes against all Parties, Corporations, and Persons.

Awards and Judgments to be recorded.

XLVII. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards or Judgments shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively to all Intents and Purposes; and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

If Two Thirds of Parties liable to pay the Compensation assent, Award or Judgment shall be binding on Remainder.

XLVIII. And be it enacted, That if the Persons who, under any Award or Judgment made as aforesaid, shall be liable to pay Two Thirds in Amount of the Sum so awarded, assessed, or ascertained, shall, at any Time subsequent to the depositing of such Award or Judgment with the Clerk of the Peace as aforesaid, signify to the said Commissioners their Assent in Writing to such Award or Judgment, then and in such Case the said Commissioners shall cause a final Notice to be served on the Proprietor, Lessee, or Occupier of such Weir, Dam, or Dyke, and a Copy thereof to be published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in some One or more Newspapers circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, stating that such Assent had been duly given, and that all the Requisites of this Act in respect to the making such Award or Judgment had been fully complied with, and calling upon all Parties liable under such Award or Judgment to pay to the said Commissioners, within a Time to be specified in such Notice, not less than Three Months from the Date thereof, the Sums of Money which such Parties thereby became liable to pay; and the Publication of such Notice shall be deemed final and conclusive Evidence that such Assent had been given, and that the several preliminary Measures herein-before required to be taken and observed in respect to such Award or Judgment had been duly taken and observed; and from and after the Publication of such Notice all the Proprietors for the Time being of the Fisheries or Lands named in such Award or Judgment shall be liable and bound to contribute the Sum awarded, assessed, or ascertained, in the Proportions fixed by such Award or Judgment.

If not paid, it may be sued for.

XLIX. And be it enacted, That if any Portion of the Money so to be contributed shall remain unpaid to the said Commissioners after the Expiration of the Period fixed by such Notice as last aforesaid, then it shall be lawful for the said Commissioners to recover the same from the Proprietors of the Fisheries or Lands named or described in the said Award or Judgment, who shall make default in the Payment thereof, by Civil Bill, or by Action or Suit in any of the Superior Courts in *Dublin*.

Compensation to be paid over, when received, to Parties entitled.

L. And be it enacted, That upon Receipt of the Money so agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening such free Gap or Queen's Share in such Weir, Dam, or Dyke, under the Provisions herein-before contained, the said Commissioners shall forthwith pay over the same to the Parties entitled to receive the same by virtue of such Agreement, Award, or Judgment, subject to the Provisions herein-after contained.

Application of Compensation

LI. And be it enacted, That if any Money shall be adjudged or awarded to be paid for any free Gap or Queen's Share so enlarged or opened as aforesaid, by virtue of the Powers of this Act, in any Weir, Dam,

or

or Dyke which shall belong to any Corporation, or to any Trustee or Feoffee, Executor or Administrator, or any Husband, Guardian, or Committee for or on behalf of any Feme Covert, Infant, Idiot, or Lunatic, or to a Tenant for Life, or any Person who shall have no Power to give a valid Receipt for the same, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery or Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, setting forth the Title hereof, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the said Compensation as aforesaid, be invested by the said Accountant General, in his Name, in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland;* and the Dividends or annual Produce thereof shall from Time to Time be paid to the Person who would for the Time being have been entitled to the said Compensation as aforesaid.

Money when amounting to or exceeding 200*l.*

LII. Provided always, and be it enacted, That if any Money so adjudged or awarded to be paid for any Land, such Compensation as aforesaid belonging to any Corporation or to any Person as last aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Compensation aforesaid, or of his Guardian or Committee, in case of Infancy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person who for the Time being would be entitled to the Compensation as aforesaid, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be invested in the Bank of *Ireland*, without being required to obtain any Order of the Court of Chancery or Exchequer touching the Application thereof.

When less than 200*l.*, and amounting to or exceeding 20*l.*

LIII. Provided also, and be it enacted, That if any Money so adjudged or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Compensation aforesaid, for his own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Person acting as Guardian, Committee, or Trustee of such Person, to and for the Use and Benefit of the Person entitled thereto.

When less than 20*l.*

LIV. And be it enacted, That it shall not be lawful to construct or attach to, or permit to remain if already constructed or attached to, any Cruive Weir or Cruive Dam used for fishing in any River any Spur or Tail Wall, Leader or Outrigger, of any Kind or Description whatsoever, of a greater Length than Twenty Feet from the upper or lower Side respectively of the Walls or Piers of such Weir or Dam, except the Wall or Leader connecting the Cribs of such Weir or Dam with the Bank of the River; nor shall any such Wall or Walls, Leader or Outrigger be so built or constructed as to narrow up or prevent the Ingress and Discharge of the Water through or from the free Opening or Queen's Share in such River or Stream; nor shall any Island or natural Formation in any River be so made use of as to secure the Proprietor of any Fishery the same Advantage which such Proprietor would have obtained by the Erection of a Tail Wall of greater Length than Twenty Feet; nor shall any such Walls or Leaders be constructed or suffered to remain in narrow Rivers or other Places of a greater Length than the said Commissioners, upon Application made to them for that Purpose, shall determine and approve, any thing in this Act contained to the contrary thereof in anywise notwithstanding; and if any Person having a Fishing Weir or Dam shall construct, or suffer to remain if already constructed, any Spur or Tail Wall, Leader or Outrigger of greater Length than aforesaid, or of greater Length than the said Commissioners shall approve, shall offend contrary hereto, such Person so offending shall forfeit and pay a Sum not exceeding Twenty Pounds, and shall also for every Day during which such Spur or Tail Walls, Leader or Outrigger, so constructed in contravention of the Provision of this Act, shall be allowed to remain, forfeit a Sum of Five Pounds.

Spur and Tail Walls of such Queen's Share not to be more than Twenty Feet long above or below the Walls of Fishing Weirs.

Penalty.

LV. Provided always, and be it enacted, That nothing herein-before contained respecting the making or maintaining such free Gap or Queen's Share, or the Length of such Spur or Tail Walls, or such Island or natural Formation, shall be construed to extend to Weirs, Banks, or Heads used for sustaining a Supply of Water to Mills, Factories, or Navigation, so as injuriously to affect the necessary Supply of Water thereto, if such Weirs, Banks, or Heads shall not be made use of for the Purpose of taking Salmon or other Fish in any Manner whatsoever.

Not to extend to Weirs, Banks, or Heads used for sustaining Mills and Navigation.

LVI. Provided always, and be it enacted, That if any Weir, Dam, or Bank used for sustaining a Supply of Water to Mills, Factories, or Navigation shall be, by virtue of Act of Parliament, Charter, or Prescription, legally used for the catching of Salmon or other Fish, nothing herein-before contained respecting the making or maintaining a free Gap or Queen's Share, or the Length of such Spur or Tail Walls, shall be construed to extend to such Weir, Dam, or Bank, so as injuriously to affect the necessary Supply of Water to such Mill, Factory, or Navigation.

Saving for Mill Weirs legally used for fishing.

LVII. And

No Obstructions shall be placed in, over, or near the Queen's Share, nor shall any Person fish in or near same.

LVII. And be it enacted, That no Person or Persons shall fish with Rod and Line or in any other Manner in any Part of such free Gap or Queen's Share in any Weir in any River, or hang, fix, set, or use, within the Space of Fifty Yards above or below any Part of such Weir, any Net, Basket, or other Engine whatsoever for the taking of Fish, or in order to deter or prevent Fish from going up or down the same, or place any Obstruction, or throw any Gravel, Clay, Stones, or other Matter into the same, nor shall beat the Water, or place or set any Bridge, Board, Cloth, or any other Thing whatsoever in, over, or across the same (save and except a temporary Bridge or Board during the Time only when the Persons engaged in the fishing of the said Weir shall be passing over the same,) nor shall in any Manner prevent the free and uninterrupted Passage of Fish through the same at all Periods of the Year; and every Person offending herein shall for every such Offence forfeit and pay a Sum not exceeding Thirty Pounds; and all such Obstructions shall be forthwith removed at the Expence of such Person upon the Order of the Justice imposing such Penalty as aforesaid; and in any Proceeding against any Person for the Recovery of any Penalties incurred by Violation of the Provisions aforesaid, Proof that such Person is the Occupier or Owner of such Weir shall be taken as *primâ facie* Evidence that such Obstructions were placed by him.

Regulations as to Cribs, Cruives, or Boxes in fixed Weirs, for the taking of Salmon, &c.

LVIII. And be it enacted, That every Box, Crib, or Cruive used for the taking of Salmon shall be so constructed that the upper Surface of the Sole or Bottom thereof shall be level with the natural Bed or Channel of the River; and the Inscales of every Box, Crib, or Cruive shall be so constructed that no Part of the Bars thereof shall approach nearer to each other than Two Inches, and that the same shall be capable of being removed, and during the weekly Close Period such Inscales shall be opened to the full Width of Four Feet, and during other Close Periods such Inscales shall be wholly taken out, so that the Space within the Box shall present no Obstruction or Obstacle whatever to Salmon passing through such Box, Crib, or Cruive; and the Bars or Rails of such Inscales, and of the Heck or the up-stream Side of the Box or Crib, shall be so constructed that no Part of the Rails thereof shall approach nearer to each other than Two Inches; and such up-stream Rails shall be placed perpendicularly, and during the weekly Close Time be either entirely removed and taken out, or so opened or fastened back that a Space of Four Feet shall be completely free and clear in each such Box, Crib, or Cruive; and the said Commissioners are hereby authorized from Time to Time to make such Orders or Regulations with respect to the Formation and Structure of such Boxes or Cribs, or other fixed Engines for catching Salmon, as shall be deemed expedient and necessary to suit any improved Methods proposed to be adopted; and any Person using or constructing any such Box, Crib, or Cruive contrary to the Provisions of this Act, or to the said Orders and Regulations, shall for each such Offence forfeit and pay a Sum not exceeding Twenty Pounds: Provided always, that in all Cases in which the principal or a considerable Part of the Value of any Weirs has hitherto consisted in catching Trout, the said Commissioners are hereby authorized from Time to Time to regulate and to make Orders for the Regulation of such Weirs, and of the Boxes, Cribs, and Cruives therein, so as to lessen the Space between the Inscales and Rails thereof respectively to such Space as shall be fit and proper for the catching of Trout.

Power to enforce the Construction of fixed Weirs, in conformity with the Provisions of this Act.

LIX. And be it enacted, That if the Proprietor or Farmer of any Weir, Dam, Dyke, Crib, or Box for the taking of Fish shall not, on or before the First of *January* One thousand eight hundred and forty-three, or, so far as relates to the enlarging or opening a free Gap or Queen's Share in Cases where, under the Provisions aforesaid, Compensation is to be paid, within such Time after the Payment of such Compensation as the said Commissioners shall appoint, alter such Dam, Weir, or Works, and complete or construct the same, or remove the illegal and objectionable Parts thereof, so as to make the same conformable to the Provisions of this Act, or to the Orders and Regulations of the said Commissioners, it shall and may be lawful for the said Commissioners to make or open, or order and direct, by a Warrant under their Hands and Seals, to be made or opened, a Gap of the prescribed Dimensions, and the Tail and Spur Walls of such Weirs or Dams to be removed or altered, and the Railwork or Inscales of Cribs not made in compliance with this Act to be removed, and all other necessary Alterations to be made in such Weirs, Dams, or Dykes, Cribs or Boxes, at the Expence of the Offender; and it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon such Dam, Weir, or Works as aforesaid, and to do all such Acts as shall be necessary for the Execution of such Warrant.

Commissioners not bound to do more than open the Passages required by this Act, and not liable for consequential Damages.

LX. And be it enacted, That in all Cases where the said Commissioners shall, by virtue of the Provisions in this Act contained, open or cause to be opened, in any Weir, Dam, or Dyke, a Gap of the Dimensions prescribed by this Act, or remove any Obstructions hereby declared to be illegal, it shall not be necessary for the said Commissioners, or any Person executing their Orders, to rebuild any Part of such Weir, Dam, or Dyke, or of the Works appertaining thereto, nor to fix up or erect altered or improved Boxes, Rails, or Cruives, nor shall they be answerable or accountable for any Damage or Injury arising to such Weir, Dam, or Dyke, or to such Box, Rail, or Cruive, in consequence of such Removal as aforesaid.

Nothing herein contained to legalize any Weir, nor to empower any Person to erect new Weirs.

LXI. Provided always, and be it enacted, That nothing herein contained shall be construed to give any Right whatsoever to any Person to erect or maintain any Weir, Dam, or Leader which is or shall be an Obstruction or Hindrance to the Navigation of any River, or to the free and uninterrupted Discharge of the Waters of the same, either for the Purpose of draining the Lands adjoining thereto, or of improving the Water Power thereof for the Use of Mills or Factories; nor, except as herein-before provided with respect to Stake and fixed Weirs, shall any thing herein contained tend to legalize any Weir now or which may be hereafter erected, for the Erection of which a good, sufficient, and valid Title in the Law does not exist.

LXII. And

Natural Obstructions in Rivers may be altered or removed, to allow of free Migration of Fish, provided no Injury done to Mills, Factories, or the Drainage of Lands.

LXII. And be it enacted, That if in any River Reefs or Ledges of Rocks, Shoals, or other natural Obstructions prevent and impede the free Passage and Migration of Salmon, Trout, and other Fish, and hinder the Approach and Access of the same to the upper Parts of the said Rivers, or any Lakes communicating therewith, and depositing their Spawn therein, it shall and may be lawful for the said Commissioners (if they so think fit), upon the Application of any Person interested in the Fishery of such River or Lake, who shall deposit or secure a Sum of Money sufficient for the Purpose, to construct, authorize, or contract with any Person interested in the Fisheries in the said River to construct such Works, and make such Alterations in the Bed of such River, as shall effectually secure a free and uninterrupted Passage at all Seasons of the Year for Salmon, Trout, Eels, and other Fish; and the Plan, Sections, Specifications, and Contracts for all such Works or Alterations shall be previously sanctioned by the said Commissioners; and for the Purpose of executing any such Work, and ascertaining all Compensation for Damage and other Matters in relation thereto, the said Commissioners and their Officers and Servants shall have and exercise all and every the Powers and Authorities vested in them as Commissioners of public Works in *Ireland* under and by virtue of the several Statutes in that Behalf made and provided: Provided always, that such Works or Alterations in the Bed of such River or Rivers shall not be made in such a Manner as to injure the effective Power of any Mill or Factory, or in any way to impede or interrupt the Drainage of Lands adjoining such River; and provided also, that reasonable Compensation be made by the Parties applying for any Damage or Injury done or to be done or suffered consequently or otherwise in the Execution of such Works.

In all Dams or Weirs now existing, or which shall be hereafter constructed, Means shall be provided for the free Migration of Salmon and other Fish, no Injury being done to Navigation or Power of Mills.

LXIII. And be it enacted, That every Dam, Weir, Dyke, or other Erection which shall after the passing of this Act be placed in or across any River frequented by Salmon, for sustaining the Water of such River for Mill Power, Navigation, Irrigation, or other Purposes, shall be so built or constructed as to permit and allow of, in One or more Parts of the same, the free Run or Migration of Salmon, Trout, and other Fish at all Periods of the Year, and that such Provision for the free Passage of the Fish through such Dam, Weir, or Dyke as aforesaid shall be made at the Expence of the Person forming such Dam, Weir, or Dyke, and in such Manner as the said Commissioners shall approve; and that with respect to Weirs, Dams, or Dykes at present erected in or across Rivers frequented by Salmon, for sustaining the Water of such River for Mill Power, Navigation, Irrigation, or other Purposes, it shall be lawful for the said Commissioners, if they shall deem it fit and necessary for the Benefit of the Fisheries thereof, on the Application of One or more of the Persons interested in the Fishery of such River wherein the same shall be placed, and at the proper Costs and Charges of the Persons interested in such Fishery as aforesaid, to cause a Survey of the said Dam, Weir, or Dyke to be made by some competent Engineer or Surveyor, and to direct such Alterations to be made therein, or such additional Work to be added thereto, as shall in the Opinion of the said Commissioners be necessary and desirable, for the Purpose of affording a free and uninterrupted Passage to the Fish frequenting such River, without impairing the Navigation or lessening or impairing the effective working Power of the Mill or Factory to which such Dam, Weir, or Dyke belongs; and the Owners or Occupiers of all such Mills or Factories are hereby directed and required, at any Time or Times during which such Mill or Factory shall not be at work, or when the Water-wheel or Watercourses thereof shall not be undergoing such Repairs as shall require the Water above such Mill to be run off, to stop and close up in dry Seasons all other Waste Gates or Overfalls, so as to direct and force the surplus Water of such River or Stream through the Passage so prepared as aforesaid for the Migration of Salmon, Trout, and other Fish; and in case any such Owner or Occupier of such Mill or Factory shall neglect or refuse to comply with the Directions herein-before contained, such Person or Persons so neglecting or refusing shall forfeit and pay for each such Offence any Sum not exceeding Five Pounds: Provided always, that the Sluices which admit the Water to the Wheels of all Mills or Factories which derive their Supply from Rivers frequented by Salmon shall at all Seasons of the Year be kept shut for Twenty-four consecutive Hours in each Week, between the Hours of Six o'Clock on *Saturday* Afternoon and Six o'Clock on *Monday* Morning, so that the Water may be allowed to flow freely through any existing Gap in such Weir, Dam, or Dyke, or any Passage formed as aforesaid, or, where no such Gap exists or Passage shall be formed, through the Waste Gate on the up-stream Side of the Wheel Sluices of such Mill or Factory, if such Waste Gate shall be erected in a Channel suitable for the Passage of Fish; and provided that by the opening of such Waste Gate the Mill shall not be thereby deprived of the necessary Supply of Water for the full and efficient working of the same; and if the Occupier of such Mill or Factory shall neglect or omit to keep shut for the Time aforesaid the Sluices admitting the Water to the Wheels of such Mills or Factories, or shall obstruct or allow to be obstructed the free Discharge of the Water through such Gap or Passage, or shall neglect to keep open during the Time aforesaid, and subject to the Provisions aforesaid, such Waste Gates, then and in every such Case such Occupier shall forfeit and pay a Sum not exceeding Five Pounds for each Offence.

Free Passage for Migration of Fish in natural Obstructions or in Dams shall be preserved in like Manner as Queen's Share in other Weirs.

LXIV. And be it enacted, That it shall not be lawful for any Person to take, kill, or destroy any Salmon or other Fish, or hang, fix, use, or set, in any such Passage so made as aforesaid in or through such natural Obstructions, Mill Dams, Weirs, or other similar Works, any Net, Basket, or other Engine or Contrivance whatsoever for the taking of Fish, or to place any Obstacle or Contrivance of any Nature or Kind soever in or near thereto, in order to deter or prevent Fish from freely entering or passing up and down through the same at all Periods of the Year, but such Passage so made as aforesaid shall be kept and preserved free from every Obstruction, and all such Obstructions shall be removed in like Manner as is herein-before provided with regard to the free Gap or Queen's Share in Fishing Weirs; and every Person offending contrary hereto shall for every such Offence forfeit and pay any Sum not

exceeding Twenty Pounds; and in case the Person who shall have actually committed any such Offence, so far as relates to the Dams of Mills or Factories, shall not be known or found, and if such Offence shall have been committed under such Circumstances as shall appear to the Justice or Justices before whom any Complaint thereupon shall be made to afford reasonable Grounds for believing that such Offence was committed by some Person in the Employment or under the Control of the Owner or Occupier of such Mill or Factory, or that it was committed with the Knowledge or Connivance of such Owner or Occupier or the Person in charge of such Mill or Factory, or through the Default of reasonable Precaution on the Part of such Owner or Occupier to prevent such Offence, then and in every such Case such Owner or Occupier of such Mill or Factory shall be deemed and taken to be liable to and shall incur the Penalty aforesaid, as if such Offence had been actually committed by him.

No Person to use Nets for the taking of Salmon in Inland Rivers where no several Fishery exists.

LXV. And be it enacted, That in the Inland and Freshwater Portions of Rivers and Lakes in *Ireland* no Person, save the Owner of a several Fishery within the Limits thereof, shall, at any Period of the Year, lay, draw, make use of, or fish with Haul, Draft, Seine, or other Net for the taking of Salmon or Trout, unless in Cases when a general public Right of Fishing for Salmon with such Nets, in the Nature of a Common of Piscary, has been enjoyed for a Space of Twenty Years next before the passing of this Act; and if any Person shall offend contrary hereto such Person so offending shall forfeit all such Nets so used, and shall also forfeit and pay a Sum not exceeding Ten Pounds.

Size of Meshes of Nets in Inland Rivers and Lakes.

Regulations as to such Nets and their Use.

LXVI. And be it enacted, That no Person shall, in the Freshwater Portion of any Inland River or Lake, lay, draw, make use of, or fish with (save as herein otherwise provided) any Haul or Draft Net or Seine the Meshes whereof shall be under Two and a Quarter Inches from Knot to Knot measured on the Side of the Square, or Nine Inches measured all round in the Clear when wet, allowing to each Mesh Four Knots; and that no Person shall make use of or fish with any such Net formed with a false Bottom (except Nets for the taking of Eels), or shall place Two or more such Nets one behind the other, or use any Nets covered with Canvas, Hide, or other Substance, for the Purpose of taking small Fish, or shall affix or keep up continued Nets stretched across any River; and that no Person shall lay, draw, make use of, or fish with any Nets within the Limits of any several Fishery without a Licence in Writing from the Owner or Renter of such Fishery; and that no Person shall place, affix, or attach any Nets to any Stakes, Bridges, Sluices, Lock Gates of Canals, or other such fixed Erections, or shall lay, draw, or fish with any Nets whatsoever, except Nets for the taking of Eels as by this Act provided, within the Close Season for Salmon, as fixed by any Act now in force in *Ireland*, or which after the First Day of *January* One thousand eight hundred and forty-four shall become fixed by this Act, or be fixed by the said Commissioners as aforesaid, or at any Season of the Year between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning; and if any Person shall offend in any of the Cases aforesaid he shall forfeit every Net used in doing or committing such Offence, and shall for the same forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners empowered to authorize different Form and Size of Mesh in the Inland Rivers upon due Inquiry had.

LXVII. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, if they shall so think fit, on the Application of the Proprietor of any Fishery in the Freshwater Portion of any Inland River or Lake, to give Notice by Advertisement in the Newspapers published or circulating in the County or Counties wherein such River or Lake is situated or in whole or in part flows, that it is proposed to authorize in such Lake or River the Use of Floating, Draft, or other Nets of such Form and with Meshes of such Size as shall be described in such Notice, and in the said Notice to call upon and require every Person interested in such Fishery to make, in such Manner as the said Commissioners shall prescribe, his Objections (if any) to the Use of such Nets as aforesaid; and at the Expiration of Three Months from the Date of the said Notice it shall be lawful for the said Commissioners to hold a Meeting, giving Three Weeks previous Notice thereof by Advertisement as aforesaid, of the Persons interested in such Fishery, for the Purpose of deciding with regard to the Use of such Nets as aforesaid, and thereupon, and after hearing the Parties, it shall be lawful for the said Commissioners to authorize, if they shall so think fit, the Use of Nets of a smaller Size than and different Form from those already prescribed by this Act, and such Decision shall be published and notified in the Manner herein-before prescribed in the Case of a Change of Seasons; and it shall be lawful for the said Commissioners to alter or revoke such Decision at or any Time after the Expiration of Three Years, and the same Proceedings towards the so doing as are herein-before prescribed in relation to the first Change shall take place on each such future Change, and any Person or Persons offending against any Decision so made and published as aforesaid shall be subject and liable to the like Penalties and Forfeitures as if such Rule or Order had been contained in this Act.

Penalty for using unlawful Nets.

LXVIII. And be it enacted, That if any Person shall hang, draw, or make use of any Net of any Description prohibited by this Act, or the Use whereof shall from Time to Time be prohibited by the said Commissioners, the Person so offending shall forfeit such Net, and shall also forfeit and pay any Sum not exceeding Five Pounds.

Angling.

LXIX. Provided always, and be it enacted, That nothing in this Act contained shall be construed to hinder or prevent the Proprietors of any Lands adjoining any Lake or River, and not being within the Limits of a several Fishery, or any Person authorized by them, from taking, catching, or fishing for Salmon, Trout, and other Fish with Rods and Lines in any such Lake or River: Provided always, that no Person shall angle for Salmon or Trout in any Lake or River during the Close Season prescribed by any Act now in force in *Ireland*, or which shall, after the First Day of *January* One thousand eight hundred and forty-four, become fixed by this Act, or by any Order of the said Commissioners, and that any Person so angling shall forfeit and pay a Sum not exceeding Five Pounds.

LXX. And

LXX. And be it enacted, That it shall not be lawful for any Person (save the Proprietor of a several Fishery, or any Person duly authorized by him in Writing, within the Limits thereof,) to take, catch, or fish for any Salmon or Trout by means of Cross Lines in any River, and any Person so offending shall forfeit and pay a Sum not exceeding Five Pounds. Cross Lines prohibited.

LXXI. And be it enacted, That if any Person or Persons shall enter upon any Lands or Premises for the Purpose or under the Pretence of fishing or angling in any Lake, River, Stream, Pond, or Water, without Authority in Writing from the Proprietor or Occupier of such Lands or Premises, every such Person shall forfeit and pay a Sum not exceeding the Sum of Two Pounds for every such Offence. Penalty on Persons entering Lands without Permission;

LXXII. And be it enacted, That if any Person or Persons shall remove, take, use, or employ any Cott, Barge, Boat, or Vessel without Permission of the Owner thereof, such Person so offending shall for every such Offence forfeit and be liable to pay a Sum not exceeding the Sum of Two Pounds. for taking Boats without Permission;

LXXIII. And be it enacted, That if any Person shall wilfully take, sell, purchase, or have in his Possession the Spawn, Smolts, or Fry of Salmon or of Trout or of Eels, or in any Way or by any Device wilfully obstruct the Passage of the said Smolts or Fry, or injure or disturb any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be, such Person shall forfeit and pay a Sum not exceeding Ten Pounds for each and every such Offence, and all Nets, Engines, and Devices used in the taking of the same, or whereby any such Injury shall be caused, shall be forfeited. for taking, or attempting to take, Fry and Spawn of Salmon, Trout, or Eels;

LXXIV. And be it enacted, That if any Person shall at any Time wilfully take, kill, destroy, expose to Sale, or have in his Possession any red, black, foul, unclean, or unseasonable Salmon or Trout, such Person shall forfeit and pay any Sum not exceeding Two Pounds for every such Fish so taken, killed, destroyed, exposed to Sale, or in his Possession: Provided always, that if any Person shall take or catch any such Fish accidentally, and return the same immediately to the Water without Injury, such Person shall not be liable to the Penalty aforesaid. for having, taking, or offering for Sale any unclean or spent Fish;

LXXV. 'And whereas great Destruction of spent Fish and Fish about to spawn, and of the Brood and 'Fry of Salmon and other Fish, is occasioned by the Owners and Occupiers of Mills and Factories 'catching and destroying the same by Nets and various other Devices in the Mill Leads, Mill Dams, and 'Watercourses appurtenant thereto;' for Remedy whereof be it enacted, That if any Person shall, at any Season of the Year, in any Mill Pool or Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, place, lay, set, or draw any Net, Grate, Creel, or other Engine, or use any Means or Device whatsoever, (save and except Rod and Line used subject to the Provisions of this Act,) for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof, every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, and shall also forfeit such Nets or other Engines; and in case the Person who shall have actually committed any such Offence shall not be known or found, and if such Offence shall have been committed by means of shutting down or closing any Gate or Sluice which is under the exclusive Power of the Occupier of any Mill or Factory, or if such Offence shall have been committed under such Circumstances as shall appear to the Justice or Justices before whom any Complaint thereupon shall be made to afford reasonable Grounds for believing that such Offence was committed by some Person in the Employment or under the Control of the Owner or Occupier of such Mill or Factory, or that it was committed with the Knowledge or Connivance of such Owner or Occupier or the Person in charge of such Mill or Factory, or through the Default of reasonable Precaution on the Part of such Owner or Occupier to prevent such Offence, then and in every such Case such Owner or Occupier of such Mill or Factory shall be deemed and taken to be liable to and shall incur the Penalty and Forfeiture aforesaid, as if such Offence had been actually committed by him. for taking or attempting to take Fish, or the Fry of Fish, in Works appurtenant to Mills or Factories, or in Watercourses diverted from Rivers for such Purposes.

LXXVI. And be it enacted, That in all Watercourses, Cuts, Channels, or Sluices constructed for the Purpose of conveying Water from any River frequented by Salmon, for the Supply of Towns, the Irrigation of Lands, or any Purpose other than the Supply of Water for Navigation, or as a moving Power for Machinery, or for Fish Ponds, there shall be placed and fixed by the Occupier of such Watercourses, Cuts, Channels, or Sluices, at their Points of Divergence from and Return to such River, and above and below such Sluices, a Grating or Lattice (the Space between the Bars whereof shall not exceed Two Inches in any Place), extending across the whole Width of such Watercourse, Cut, Channel, or Sluices, and from the Bottom of the Bed or Sill thereof respectively to the Level of the highest Winter or Flood Waters; and during the Months of *March*, *April*, and *May*, and such other Periods of the Year as the Brood or Fry of Salmon or Trout shall be descending the Rivers, there shall be placed or stretched over the entire Surface of such Grating a Wire Lattice or Network of such Dimensions as affectually to prevent the Admission of Salmon Fry or other small Fish into such Watercourses, Cuts, Channels, or Sluices; and the Owner, Lessee, or Occupier of any such Premises to which such Watercourse leads, or other Person making or using or having the Care and Maintenance of any such Watercourse, Cut, Channel, or Sluice shall secure and fix the said Grating, Lattice, or Wire-work in a permanent Manner, so as to prevent the same from being removed or opened, and shall keep and preserve the same in constant Repair, and in case any such Owner, Lessee, or Occupier shall neglect so to do, he shall for every such Neglect forfeit and pay any Sum not exceeding Ten Pounds. A Grating shall be placed in all Watercourses diverted from Rivers to prevent Fry of Salmon or Trout entering therein.

LXXVII. And be it enacted, That if the Proprietor or Tenant of any Eel Weir shall take or suffer to be taken therein any Salmon or Trout, or Salmon or Trout Fry, or spent Salmon, every such Proprietor or Tenant shall forfeit and pay for each and every such Offence any Sum not exceeding Ten Pounds. Penalty for taking Salmon or Trout, or their Fry, in Eel Weirs.

LXXVIII. And

Penalty for attempting to take Salmon, Trout, &c. at Night in Inland Rivers, &c. or using Lights, &c. for such Purposes.

LXXVIII. And be it enacted, That if any Person shall, between Sunset and Sunrise, have or use any Light or Fire of any Kind, or any Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or if any Person shall be found at any Time chasing, injuring, or disturbing spawning Fish or Fish on the Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only, within the lawful Period), or damming or teeming or emptying any River or Mill Race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof, every Person so offending in any of the Cases aforesaid shall forfeit all such Instruments, and shall also forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for fishing in private Ponds.

LXXIX. And be it enacted, That if any Person shall kill, take, or destroy any Carp, Tench, Bream, Roach, Perch, Eel, Pike, Trout, Cray-fish, or any other Fish in or out of any Pond, private Canal, or Reservoir, wherein the same are kept, and wherein he has no Property, without the Consent or Licence of the Owner of such Pond, private Canal, or Reservoir, and be thereof convicted, every such Person for every such Offence shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Persons throwing or allowing Matters poisonous to Fish to flow into Inland Rivers.

LXXX. And be it enacted, That no Person shall throw, empty, or cause to run or flow into any River or Lake any Dye Stuff, or other deleterious or poisonous Liquid, or shall throw into such River or Lake any Lime, Spurge, or other deleterious or poisonous Matter, or shall steep in such River or Lake any Flax or Hemp, and if any Person shall so offend he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds: Provided always, that nothing in this Act contained shall extend or be construed to render any Person liable to the Penalties hereby imposed for casting into any River or Stream any Dye Stuffs or other Materials which are not of a deleterious Nature, or which are not in a State poisonous to Fish or other Animals using the Waters thereof.

The Names of Owners shall be painted on Fishing Boats.

LXXXI. And be it enacted, That every Boat, Cot, or Curragh shall have upon some conspicuous Place thereof the Name of the Owner, or of One of the Owners where more than One, and of his Place of Residence, painted in clear legible Characters or Letters of not less than Two Inches in Length; and in default thereof the Owner, or any Person found using such Boat, Cot, or Curragh, shall forfeit and pay any Sum not exceeding Two Pounds.

Proprietors of Fisheries in Rivers or on the Coast empowered to appoint Water Bailiffs to protect the Fisheries of the River or Lake in which they shall be interested.

LXXXII. And for the better protecting and preserving of Fisheries, and for the due Enforcement of the Laws regulating the same, be it enacted, That it shall and may be lawful for any Person interested in the Preservation of the Fish of any River or Lake, or for any Persons who shall have united themselves into a Society for the Preservation of the said Fisheries, or for the Owner or Proprietor of any Fishery in any River or Lake, or the Proprietor of any Salmon Fishery on the Sea Coast, to appoint during Pleasure, by any Instrument in Writing, in the Form in Schedule (A.) to this Act annexed, any One or more Persons to be a Water Bailiff or Water Bailiffs for the Protection of the Fisheries on such Part of the Sea Coast, or in any such Lake or River, or the Tributaries thereof: Provided always, that no such Water Bailiff shall be empowered to act as such until his Appointment shall have been approved and confirmed by Two or more Justices assembled in some Petty Sessions holden in the District within which the said Water Bailiff is to act, which Justices shall endorse the Instrument by which he is appointed; and provided also, that it shall be lawful for any Two or more Justices at Petty Sessions, from Time to Time, upon Complaint made to them, to revoke such Appointment, and dismiss any such Bailiff, and to approve and confirm an Appointment of such other Person as shall be appointed in the Place of the Person so dismissed.

Water Bailiffs.

LXXXIII. And be it enacted, That if any Person shall act as a Water Bailiff without having an Appointment confirmed as aforesaid by the Justices and unrevoked by them, every such Person shall, for every such Act, forfeit any Sum not exceeding Ten Pounds.

Powers of Water Bailiffs for the Protection of the Fisheries.

LXXXIV. And be it enacted, That every Water Bailiff appointed as aforesaid shall be empowered to exercise the Powers and Authorities of a Constable for the Enforcement of the Provisions of this Act, and shall be at liberty at all Times and Seasons, without any Let or Hindrance whatsoever, to enter into and pass through or along the Banks or Borders of any Lakes or Rivers frequented by Salmon or Trout, or of the Tributaries thereof, for the Protection of the Fisheries whereof he shall be so appointed as aforesaid, and with Boats or otherwise to enter upon all and every such Lakes or Rivers, and to enter upon and examine all Weirs, Sluices, Mill Dams, Mill Races, and Watercourses communicating therewith, and to pass along the same, and to enter any Boat or Boats engaged in fishing, and to examine all standing, floating, or other Nets whatsoever, and to seize all illegal Nets, Engines, Instruments, and Devices whatsoever, and all and every other Nets, Engines, and Instruments whatsoever when used illegally, and to do all such other Acts and Things as he shall be required to do by the Bye Laws of the said Commissioners, or by any Warrant issued by any Justice or Justices in conformity with the Provisions of this Act, and the Production of such Certificate or Appointment, endorsed as aforesaid, shall be sufficient Warrant for such Water Bailiff so acting in any of the Cases aforesaid: Provided always, that nothing herein contained shall be construed to authorize any such Water Bailiff to enter any Garden enclosed with a Wall or Paling, nor any Dwelling House or the Curtilage thereof, (except where the ordinary Road or Passage to any Weir, Dam, or Dyke shall be through any such Garden or Curtilage as aforesaid,) save when thereunto authorized by the Warrant of a Justice of the Peace as herein-after provided.

Justice may grant a Warrant to enter suspected Places.

LXXXV. And be it enacted, That it shall and may be lawful for any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to be committed within any of the herein-before excepted Grounds and Premises, by Warrant under his Hand and Seal, to authorize and empower by Name any Water Bailiff, or any Officer appointed by the

said

said Commissioners, to enter the said excepted Premises for the Purpose of detecting such Offence, at such Time or Times, in the Day or Night, as in such Warrant may be mentioned; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

Officers and Men of Her Majesty's Cruisers, and Officers and Men of Coast Guard Service, empowered to enforce this Act.

LXXXVI. And be it enacted, That it shall and may be lawful for such Officers and Petty Officers belonging to the Cruisers of Her Majesty's Navy, and for such Officers and Men of the Coast Guard Stations as shall be thereunto authorized by the Commissioners of Her Majesty's Customs, at such Times and in all such Places, and subject to such Directions and Regulations, as the said Commissioners of Customs shall from Time to Time think fit to prescribe, to go on board any Vessel employed in fishing, and examine the Certificate of Registry and Nets of such Vessel, and whether the Regulations of this Act have been complied with, and whether the Master and other Persons on board such Vessel are carrying on the said Fishery in the Manner hereby required, and to seize any illegal Nets or Engines, or any Nets or Engines used contrary to the Provisions of this Act, or any of the Orders, Regulations, or Bye Laws made by said Commissioners; and it shall be lawful for the Officers and Men employed in the Coast Guard Service in *Ireland* to execute, for the Purposes of this Act, on Sea or on Land, the Warrants of any Justice or Justices, as fully and effectually as any Person or Persons authorized and empowered to execute Warrants of any Justice or Justices in *Ireland* may now execute the same on Land within their respective Districts, and also to do all such other Acts on Sea or Land in relation to the Preservation of the Peace among Persons engaged in fishing, and the Enforcement of the Provisions of this Act, as any Constable may lawfully do within his Jurisdiction.

Officers and Men of the Coast Guard empowered to act as Constables.

Offenders may be apprehended if they refuse to tell their Names.

LXXXVII. And be it enacted, That when any Person shall be found at Sea, or on Rivers, Lakes, or other Waters, or on Land, offending against any of the Provisions of this Act by the Use of any illegal Net, Engine, or Device whatsoever for the taking of Fish, or by the Use of any Net, Engine, or Device prohibited at such Time, or in any other Manner, it shall be lawful for any Officer or Person herein-before empowered to enforce the Provisions of this Act, or for any Person interested in the Fishery in which such illegal Act may be committed, to require the Person so found offending forthwith to desist from such Offence, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, refuse to tell his real Name or Place of Abode, or shall give such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or shall wilfully continue such Offence, it shall be lawful for the Officer or Person so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him or cause him to be conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law: Provided always, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than Twenty-four Hours from the Time of his Apprehension before he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place.

Penalty on Persons using Violence.

LXXXVIII. And be it enacted, That where any Persons, to the Number of Three or more together, shall be found by any Officer of Her Majesty's Navy, or of the Coast Guard, or any Water Bailiff or Peace Officer, by Violence, Intimidation, or Menace impeding or obstructing, or attempting to impede or obstruct, any other Person or Persons in the lawful Prosecution of any Fishery, it shall be lawful for such Officer of the Navy or Coast Guard, or Water Bailiff or Peace Officer so requiring, and also for any Person acting by his Order or in his Aid, to apprehend such Offenders, and to convey them before a Justice of the Peace to be dealt with according to Law; and every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof, forfeit and pay for every such Offence such Penalty, not exceeding Twenty Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction, which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

Commissioners, Inspectors, &c. empowered to enforce this Act.

LXXXIX. And be it enacted, That it shall be lawful for the said Commissioners, or any Officer appointed by them for the Purposes of this Act, to use and exercise all and every the Powers and Authorities for enforcing the Provisions of this Act and the Apprehension of Offenders by this Act conferred upon the Officers of Her Majesty's Cruisers and of the Coast Guard Stations and Water Bailiffs respectively.

Penalty on opposing or assaulting Commissioners, or Persons authorized by them, in execution of this Act.

XC. And be it enacted, That if any Person shall assault, resist, or obstruct any of the said Commissioners, or any Person acting by their Authority, or any Officer of Her Majesty's Navy or Coast Guard, or any Person acting under him or them, or any Water Bailiff, in the Execution of any of the Powers conferred on him or them by this Act, or by any Rule, Order, or Bye Law to be made in pursuance of this Act as aforesaid, or if the Master of any Fishing Vessel shall refuse to produce his Certificate of Registry when thereunto required by any such Commissioner, Officer, or Person, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners empowered to make Bye Laws for Protection and Improvement of Fisheries.

XCI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time as may become necessary, to make and ordain such Bye Laws, Rules, Orders, and Regulations (in addition to those herein specifically required to be made), as to them the said Commissioners shall seem expedient for the more effectual Government, Management, Protection, and Improvement of the Fisheries of *Ireland*, and the Registry of all Boats engaged therein, and from Time to Time to repeal, rescind, or vary

vary the same, and substitute others in lieu thereof, and to impose and prescribe any Conditions and Restrictions for the Regulation of the said Fisheries, and the Preservation of good Order among the Persons engaged therein, and in relation to the Times and Seasons at which the taking the several Species of Fish shall commence and cease, or the Times and Places or the Manner at and in which any Trammel, Trawl, or other Net or Nets, Engine or Engines to be employed in the said Fisheries shall be used, and also as to the Description and Form of Nets to be used in the said Fisheries, and the Size of the Meshes thereof, or to the Prohibition thereof, or of any Practice whatsoever tending in the Opinion of the said Commissioners to impede the taking of Fish, or to be in any Manner detrimental to the said Fisheries, or as to any other Matter or Thing which shall in any Manner relate to the Government and Protection of the said Fisheries; and it shall be lawful for the said Commissioners to impose any Penalty not exceeding Five Pounds in all Cases where any Penalty is not fixed by this Act, for any Breach of such Bye Laws, Rules, Orders, and Regulations, and to direct that all Nets, Engines, or other Instruments whatsoever used contrary to any of such Bye Laws, Rules, Orders, or Regulations shall be forfeited, destroyed, or removed, as the Case may require: Provided always, that all such Bye Laws, Rules, Orders, and Regulations be not repugnant to any Law or Statute in force in *Ireland*, and shall not injure the effective Working Power of any Mill or Factory, and shall be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council; and all the said Bye Laws, Rules, Orders, and Regulations, when so approved and confirmed, shall be binding and conclusive on all Persons as if the same had been contained in and enacted by this Act.

Copies of intended Bye Laws to be sent to Clerk of Peace, &c., and Notice given thereof.

XCII. Provided always, and be it enacted, That One Month at least before such Bye Laws, Rules, and Regulations shall be laid before the Lord Lieutenant or other Chief Governor or Governors for the Time being in Council, for his or their Approval, a Copy of the same shall be deposited with the Clerk of the Peace for each County in *Ireland* in which such Bye Laws, Rules, and Regulations are proposed to be enforced, and with the Clerks of the Petty Sessions for each District in which it is proposed the same shall be enforced, and a Notice of the Lodgment thereof shall be posted at the usual Places for posting Notices in each such Petty Session District; and it shall be lawful for any Party who may consider himself aggrieved by any such intended Bye Laws, Rules, and Regulations to appeal to the Lord Lieutenant or other Governor or Governors for the Time being in Council against such intended Bye Laws, Rules, and Regulations.

Publication of Bye Laws.

XCIII. And be it enacted, That the said Bye Laws, Rules, Orders, and Regulations, when approved and sanctioned as aforesaid, shall be printed, and a Copy of the same shall be deposited with the Clerk of the Peace for each County in *Ireland* in which such Bye Laws are proposed to be enforced, and with all the Coast Guard Officers at the different Stations, and with the Clerks of Petty Sessions for each District in which it is proposed the same shall be in force in *Ireland*, and in such and so many different Places as to the said Commissioners shall seem fit; and printed Copies of said Bye Laws, Rules, Orders, and Regulations shall be provided by the said Commissioners, and sold at a Price not exceeding One Shilling for each Copy, and Notice both of the Publication of the same and the Place or Places where the same may be bought shall be given for Three Months subsequent to the Publication thereof in such of the Metropolitan and Provincial Newspapers as the said Commissioners shall appoint; and for the Purpose of convicting any Person offending against the said Bye Laws, Rules, Orders, and Regulations, a printed Copy of such Bye Laws, obtained from the Office of any Clerk of the Peace or Clerk of the Petty or Quarter Sessions (who is hereby required to furnish the same at the Price aforesaid), with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of such Bye-Law, and the due Publication thereof.

How Offences against this Act may be tried.

XCIV. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or of any Rule, Order, Regulation, or Bye Law to be made pursuant to the Provisions of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeiture, shall and may in every Case be heard, adjudged, and determined in a summary Way by and before One or more Justice or Justices of the Peace of the County, Town, or Place within whose Jurisdiction such Offence shall have been committed, upon the Complaint, verbal or otherwise, of any Person; and that the said Justice or Justices shall proceed to the Determination of any such Complaint in the Presence of any Offender brought before him or them, in pursuance of any of the Provisions herein-before contained, or else shall issue a Summons for the Appearance of such Offender at the Petty Sessions of the District within which such Offender may be tried, according to the Provisions of this Act; and the Justices at such Petty Sessions shall, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel, or at or posted on the known Residence of such Person so offending, proceed to the Determination of any such alleged Offence; and that if, upon Confession of the Party, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby respectively empowered and required to administer), the Party accused shall appear to have committed such Offence, then and in every such Case the said Justice or Justices shall and may impose upon the Offender such Fine or Fines as by this Act, or by any of the Bye Laws, Rules, Orders, and Regulations to be made in pursuance thereof, such Offender is or are made subject and liable to; and the Amount of such Fine or Fines, together with the Costs of Conviction, shall be ascertained by such Justice or Justices, and shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case of Nonpayment thereof then the same, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, shall and may, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, (which he and they is and are hereby authorized and required

Penalty to be recovered by Distress and

required to grant,) be levied and recovered by Distress and Sale of the Goods, Chattels, and Effects of such Offender wheresoever the same can be found, and that the Surplus (if any) arising from such Distress and Sale, after deducting such Fine or Fines, together with the Costs of Conviction and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods, Chattels, and Effects so distrained; and that it shall and may be lawful to and for such Justice or Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Fine or Fines and such Costs as aforesaid shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either by Confession of the Offender or otherwise, that such Offender hath not sufficient Goods, Chattels, or Effects whereout such Fines and Costs may be levied, it shall and may be lawful to and for the said Justice or Justices, by Warrant under his or their Hand and Seal, to commit such Offender or Offenders to the Common Gaol, or any Bridewell, House of Correction, or other Prison in the said County, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months where the Fine imposed shall not exceed Five Pounds, and not exceeding Three Months in any Case, unless such Fine or Fines, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

Sale of Offender's Goods.

If no Goods or Chattels, the Offender may be imprisoned.

XCV. And be it enacted, That whensoever under the Provisions of this Act any Justice of the Peace or the said Commissioners may be authorized or empowered to execute any Work, or remove or alter any Weir or other Erection, or to do any Matter or Thing, at the Expence of any Offender, such Justice or Commissioners, as the Case may be, shall ascertain the Amount of such Expences, and direct Payment thereof to be made by such Offender to such Person as he or they may think fit, and it shall be lawful for such Person to sue for and recover the same by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin*; and a Certificate in Writing under the Hand or Hands of such Justice or Commissioners, as the Case may be, shall be conclusive Evidence of the Amount of such Expences, and of the Liability of the Party therein named to pay the same, and of the Right of the Person thereby authorized to sue for and recover the same.

Recovery of Expences.

XCVI. And be it enacted, That the Jurisdiction of each and every Justice or Justices of the Peace of every Place within or belonging to all Counties, or Counties of Cities or Towns in *Ireland*, any Part whereof shall adjoin the Sea Coast, or any of the Estuaries thereof, shall be and the same is hereby extended to all and every Offences or Offence against the Provisions of this Act, or any of the Bye Laws, Rules, Orders, or Regulations (hereby authorized to be made) committed by Fishermen and others engaged in fishing, or by any Person or Persons whatsoever while at Sea, as fully and effectually to all Intents and Purposes as if the said Offences or Offence had been committed upon Land within his or their present Jurisdiction or Jurisdictions respectively; and that it shall and may be lawful for the said Justice or Justices to issue his or their Warrant for the Arrest or Apprehension of any of the said Fishermen or others so offending as aforesaid, whether he or they shall happen to be upon Land within any Part of the Kingdom or in any Vessel at Sea, and employ any Person or any of the Ways and Means for causing such Apprehension or Arrest to be made as such Justice or Justices are now authorized and empowered to do in case the said Offence had been committed upon Land within his or their respective Jurisdiction or Jurisdictions; and that the said Justice or Justices shall have the like Powers or Remedies for the Apprehension, Committal, or Punishment of Fishermen and other Persons so offending at Sea as aforesaid, either against this Act, or any of the Bye Laws, Rules, and Regulations to be made in pursuance thereof; and also that the said Justice or Justices shall have the like Powers and Remedies for the Seizure at Sea of the Vessels or other Goods and Chattels of the said Fishermen or other Persons so offending as aforesaid, as he or they possess by any Law or Statute now in force, or shall under this Act possess in case the said Offence or Offences had been committed upon Land, or the said Goods and Chattels had been upon Land within his or their respective Jurisdiction or Jurisdictions.

Jurisdiction of Magistrates of Maritime Counties extended to Offences against this Act at Sea.

XCVII. And be it enacted, That all Penalties directed to be enforced against any Person or Persons offending contrary to the Provisions of this Act shall be levied by the same Persons and in the same Manner as all Fines and Penalties may by Law be levied, or by the Officers and Men of the Coast Guard Service.

The Mode in which Penalties are to be levied.

XCVIII. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord
'at in the County of [*or* City, Town, *or* Place, *as the Case may be,*] *A. O.* is,
'upon the Complaint of *G. H.*, convicted before me *J. P.*, one of Her Majesty's Justices [*or* before us,
'*C. D.* and *E. F.*, Justices] of the Peace for the said County of in pursuance of an Act
'made in the Fifth and Sixth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to*
'*regulate the* Irish *Fisheries*, for that the said *A. O.* [*here state the Offence, and the Time and Place when*
'*and where the same was committed*], and I [*or* we] do hereby adjudge him to pay and forfeit for the
'said Offence the Sum of of lawful Money of *Great Britain*, together with the further
'Sum of for Costs of Suit and Prosecution of the said *G. H.*; [*and in case any Nets or*
'*other*

'*other Engines are to be forfeited,*] I [*or* we] do hereby further adjudge that the Nets or other Engines 'et cetera [*describing the same*], be and the same are hereby forfeited. Given under my Hand and Seal '[*or* our Hand and Seals, *as the Case may be,*] at in the County of the Day 'and Year above written.'

Which said Conviction and Adjudication shall be good and valid in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record at *Dublin*, but shall be deemed and taken to be final to all Intents and Purposes whatsoever, unless the same shall be reversed on Appeal as herein-after provided: Provided always, that no Person shall be convicted of any Offence committed against the Provisions of this Act unless the Prosecution for the same shall be commenced within Six Calendar Months from the Time of the Commission of such Offence.

Appeal from Convictions to Quarter Sessions.

XCIX. And be it enacted, That if any Person shall think himself aggrieved by any Judgment, Order, or Conviction of any Justice or Justices of the Peace, such Person may appeal to the next General Quarter Sessions to be held in the Division of the County or for the City or Place where such Judgment, Order, or Conviction shall have been given, made, or had, provided such General Quarter Sessions shall be held at any Time not less than Twenty-one Days after the Time such Conviction shall have been had; and in case such General Quarter Sessions shall be held within Twenty-one Days from the Time of such Conviction, such Appeal shall be to the General Quarter Sessions to be holden next but one after such Conviction in such Division of the County, City, or Place as aforesaid, and that no such Appeal shall be allowed, received, heard, or determined unless the Party appealing shall within Ten Days next after, or, if such Justice or Justices shall think right so to require it, immediately on the pronouncing of such Judgment, Order, or Conviction, enter into a Recognizance, with Two sufficient Sureties, before such Justice or Justices, or before any other Magistrate of such County, City, or Place, in a Sum not less than Ten Pounds, conditioned personally to appear at the said Sessions to try such Appeal and abide the Judgment of the Court, and to pay such Costs and Expences as the Justices at the said Quarter Sessions may award against him.

Form of Dismissal.

C. And be it enacted, That in case any such Justice or Justices shall dismiss any such Complaint so made as aforesaid such Dismissal shall be drawn up and signed by such Justice or Justices in the Form following; (that is to say,)

'BE it remembered, That on the Day in the Year of our Lord 'C.D. of was charged before me [*or* us] on the Complaint of *A.B.* of 'for that the said *C.D.* did [*here state the Offence charged, and the Time and Place when and where the* '*same was committed*], contrary to the Provisions of an Act, intituled *An Act to regulate the* Irish '*Fisheries;* and it appearing to me [*or* us] that the said *C.D.* is not guilty of such Offence so charged 'against him as aforesaid by the said *A.B.*, we therefore do adjudge that the said Complaint be and the 'same is hereby dismissed. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may* '*be,*] at in the County of the Day and Year first above written.'

Appeal against Dismissal.

And if any Person prosecuting shall feel aggrieved by such Order of Dismissal it shall and may be lawful for such Person to appeal to such Sessions as herein-before directed with regard to Appeals from any Conviction, upon giving the like Notice as herein-before prescribed, and entering into a Recognizance with Two sufficient Sureties before any Magistrate, in any Sum not less than Ten Pounds, conditioned for the Payment of all such Costs and Expences as shall be adjudged against him on the Hearing of such Appeal.

Proceedings on Appeal.

CI. And be it enacted, That it shall and may be lawful for the Justices assembled at such Quarter Sessions to rehear the Subject Matter of such Conviction or Order of Dismissal, and either affirm or reverse the same, or reduce any Penalty which may have been adjudged, such Reduction however not to be to a smaller Sum than the lowest Penalty hereby imposed for the Commission of such Offence, and in case such Conviction shall be affirmed, it shall be lawful for such Justices to award such Costs and Expences to the Prosecutor, and any Witnesses who may be examined in support of such Prosecution, as they may think reasonable, and in case the Party appealing from any such Order of Dismissal as aforesaid shall not appear at such Quarter Sessions as aforesaid to prosecute the same, such Order of Dismissal shall be affirmed, and it shall be lawful for the said Justices to award to the Person accused such Costs and Expences of Witnesses as they may think reasonable; and in case any Appellant or Respondent on any such Appeal shall not pay any Costs or Expences which may be so awarded against him his Recognizances shall be estreated.

Lord Lieutenant may extend Mercy.

CII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

Illegal Nets shall be brought before Magistrates at Petty Sessions, and destroyed;

and legal Nets, when used

CIII. And be it enacted, That in case any Officer or Person hereby authorized and empowered to seize illegal Nets or Engines, or Nets or Engines of a legal Form and Size when used contrary to the Provisions of this Act, or any of the Bye Laws to be made in pursuance hereof, shall seize the same, it shall and may be lawful for him to retain the same in his Custody until the next Sitting of the Petty Sessions Court, or any Adjournment thereof, in the District where the same shall be seized, and at such Petty Sessions Court it shall and may be lawful for the Justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the Provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used according to the

the Provisions of this Act, that then and in such Case it shall be lawful for such Justices to order the same to be sold, and the Money arising therefrom to be applied in the same Manner as the Penalties thereby imposed for Violation of the Provisions of this Act are hereby directed to be applied. illegally, shall, upon being forfeited, be sold.

CIV. And be it enacted, That upon any Trial or other Proceeding for Recovery of any Penalty, Fine, or Forfeiture under this Act, no Informer or other Person who, in the event of a Conviction, shall be entitled to any Part, Share, or Proportion of the Penalty to be recovered thereon, nor any Owner or Occupier, or other Person interested in any Fishery or Fisheries, shall be thereby incompetent to give Evidence, but shall nevertheless be received and admitted as a Witness or Witnesses on such Trial or other Proceeding, and that such Testimony shall, if believed, be sufficient thereon to all Intents and Purposes, as far as the same Testimony could be if given by an indifferent Person. Evidence of Informers and Owners, &c. of Fisheries admissible.

CV. And be it enacted, That if any Person summoned to give Evidence upon any Trial or other Proceeding under this Act before any Justice or Justices of the Peace before whom any Person offending against any of the Provisions of this Act shall be tried shall, without reasonable Excuse, to be allowed by such Justice or Justices, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, or if upon appearing he shall refuse to be examined upon Oath, or in case of a Quaker or Moravian, upon solemn Affirmation, or to give Evidence before such Justice or Justices, and shall not make reasonable Excuse for such Refusal, to be allowed by such Justice or Justices, then and in any of the Cases aforesaid such Person shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered in the same Manner as any other Penalty directed to be enforced by this Act, or that it shall be lawful for such Justice or Justices to commit such Person to the County Gaol, or to any Bridewell, House of Correction, or other Prison in the said County, for any Period not exceeding One Month; and in case such Person shall wilfully make a false Oath or Affirmation in any such Proceedings, every such Person shall upon Conviction be liable to all the Penalties for wilful and corrupt Perjury. Penalty on Witnesses refusing to give Evidence.

CVI. And be it enacted, That where any of the Offences mentioned in this Act shall be committed in or upon any Lakes, Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Counties, Districts of Quarter Sessions or Districts of Petty Sessions, such Offence shall and may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts, and may be alleged and stated to have been committed therein. Offences on mearing Rivers may be tried in either County.

CVII. And be it enacted, That a Return or Report shall be made once in every Three Months to the said Commissioners from every Petty Sessions or other Court in *Ireland* where any Offender shall be prosecuted and convicted under the Provisions of this Act by the Clerk thereof, and such Return or Report shall contain the Name of every Person who shall be so convicted of any Offence against the Provisions of this Act, together with the Nature of the Offence, and the Punishment inflicted, and the Amount of the Fine imposed and levied upon every such Person so convicted as aforesaid; and any such Clerk neglecting or omitting to furnish such Return shall forfeit and pay a Sum not exceeding Five Pounds. Return of Convictions at Petty or Quarter Sessions shall be made to the Commissioners.

CVIII. And be it enacted, That where any Offender shall be punished for any Offence by virtue of this Act such Offender shall not again be prosecuted nor incur any Penalty by virtue of any other Law or Statute now in force or be liable to any other Punishment for the same Offence. Protecting Persons punished under this Act.

CIX. And be it enacted, That one Moiety of every Sum of Money levied as a Fine or Penalty under this Act shall be paid to the Informer or Person who shall be the Means of bringing to Justice any Person offending against the Provisions of this Act, and the other Moiety shall be paid to the said Commissioners for the Execution of this Act, to be by them applied towards defraying the Expences of carrying this Act into execution. Application of Penalties.

CX. And be it enacted, That no Action or Suit shall be commenced against any Person for any thing done by him by virtue of or in pursuance of this Act until Twenty-one Days Notice thereof in Writing shall have been given to such Person, or left at his usual Place of Abode, nor after a sufficient Satisfaction, or a Tender thereof, shall have been made to the Party aggrieved, nor after Six Months next after the Fact committed; and the Defendant in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought within Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant; and it shall and may be lawful for any Defendant in any such Action or Suit, at any Time prior to Trial had in the said Cause, to lodge in Court such Sum of Money as to him shall seem fit, in discharge of such Action, and that thereupon such Proceeding shall be had in relation thereto as in other Actions where Money may now be lodged in Court in discharge of any Action pending therein. Limitation of Actions, &c. General Issue may be pleaded.

CXI. And be it enacted, That it shall and may be lawful to and for the said Commissioners to hold General Meetings of Proprietors of Fisheries in any District, on giving due Notice by Advertisement or otherwise of the Time and Place when and where such Meetings are appointed to be held, and to inquire into the State of the Fisheries in each such District, and the best Means to be adopted for the Regulation, Improvement, or Protection thereof; and for the more effectual Prosecution of such Inquiry it shall be lawful for the said Commissioners, or any One of them, to issue Summonses requiring the Attendance of such Witnesses as they shall think fit, and to examine on Oath touching any Matter or Thing in any way connected with the Inquiry into the State of such Fisheries as aforesaid, which Oath Commissioners empowered to hold General Meetings, summon Witnesses, and examine upon Oath.

the said Commissioners or any One of them are hereby authorized and empowered to administer; and all such Witnesses so summoned as aforesaid shall be liable to the same Penalties for neglecting or refusing to attend or to give Evidence before the said Commissioners as are herein-before provided in the Case of any Person refusing to attend or give Evidence before any Justice or Justices.

Commissioners to report annually.

CXII. And be it enacted, That the said Commissioners shall, on or before the last Day of *January* in every Year, make a Report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of the Proceedings for the preceding Year, and of the Receipt and Expenditure of any Sums of Money which the said Commissioners shall, under the Provisions of this Act, receive or expend, distinguishing the Amount received on account of any Penalties, and the Officer or Person from whom the same may have been received; and such Report shall also contain, as far as may be practicable, a statistical Account of the said Fisheries, arranged and classified under such different Heads as may appear to the said Commissioners to be most suited and adapted for the Purpose, or as may from Time to Time be directed by the said Lord Lieutenant or other Chief Governor or Governors; and a Copy of every such Report shall be laid before each House of Parliament if then sitting, or within Three Weeks after the Commencement of the next Session.

Copy of Report to be laid before Parliament.

Definition of Terms in this Act.

CXIII. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Net" shall extend to all Descriptions of Tackle, Trawl, Trammel, Stake, Bag, Coghill, Eel, Haul, Draft, and Seine Nets, and to all other Engines or Devices, of whatever Construction or Materials, or by whatever Name known, which shall be used for the like Purposes as the Nets in this Act referred to; and the Word "Salmon" shall extend to all Grilse, Peal, Sea Trout, Samlets, Par, Salmon Fry, and all Fish of the Salmon Kind; and the Word "Vessel" shall extend to a Ship or a Boat, Cot or Curragh; and the Word "River" shall extend to all Streams and Watercourses; and the Word "Person" and the Word "Proprietor" shall extend to all Bodies Politic, Corporate, Aggregate, or Sole, and also to any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend and be applied to a County of a City and County of a Town; and the Word "Estuary" shall extend to a Harbour and a Roadstead and a Bay; and the Word "Waste" shall extend to all uncultivated or unprofitable Lands; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Definition of "several Fishery."

CXIV. And be it enacted, That the Words "several Fishery" shall, for the Purposes of this Act, be construed to mean an exclusive Fishery, possessed and enjoyed as such by virtue of Grant, Patent, or Charter, or by Act of Parliament, or by Prescription; and in all Rivers or Parts of Rivers or Lakes where the Tide does not ebb and flow, and which by Law are not deemed public navigable Rivers or Lakes, and in which no such exclusive Fishery as aforesaid shall have been possessed and enjoyed as aforesaid, the Proprietors in Fee of the adjoining Lands shall be considered to be possessed of a several Fishery within the Bounds and Limits of the said Lands, or so far as they are seised or possessed of the Soil and Bed of such Rivers or Lakes: Provided always, that nothing herein contained shall be construed to lessen or abridge any public Right of Fishing by lawful Means and in lawful Seasons heretofore enjoyed and exercised within the Limits of any such several Fisheries.

Act may be amended, &c.

CXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Warrant for a Water Bailiff.

I *A. B.* [*or* We *A. B.* and *C. D., as the Case may be,*] of [*name the Place or Places of Residence*], do hereby appoint *D. E.* of [*name the Place of his Residence*] a Water Bailiff, to protect the Fishery of [*name the Fishery, River, or Sea Coast, as the Case may be*], pursuant to the Act of Victoria, Chapter , intituled "An Act to regulate the Irish Fisheries;" and the said *D. E.* of [*name the Place of his Residence*] is hereby authorized to do all lawful Acts as such Water Bailiff, according to the Provisions of the said Act.

(Signed) *A. B.*

To all whom it may concern.

We, the undersigned Magistrates, assembled in Petty Sessions, do hereby approve of the above Appointment. In witness whereof we hereunto subscribe our Names.

J. P.
J. P.

CAP. CVII.

An Act for regulating the Carriage of Passengers in Merchant Vessels. [12th *August* 1842.]

'WHEREAS it is expedient to make Provision respecting the Carriage of Passengers by Sea in certain Cases, and for that Purpose to repeal, except as herein-after is mentioned, an Act passed in the Session of Parliament held in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the* British *Possessions on the Continent and Islands of* North America; *and to make further Provision for regulating the Carriage of Passengers from the United Kingdom;* and also an Act passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act to extend to the* British *Colonies in the* West Indies *an Act passed in the Fifth and Sixth Year of His late Majesty King* William *the Fourth, for regulating the Carriage of Passengers in Merchant Vessels;* and also so much of an Act passed in the Session of Parliament held in the First and Second Years of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs,* as extends the Provisions of the Act first before mentioned to Foreign Vessels, under certain Circumstances:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts and Portion of an Act shall be and the same are hereby repealed, save and except so far as the first before-mentioned Act repeals an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of* North America, which shall remain and continue repealed: Provided nevertheless, that all Fines, Forfeitures, and Penalties to which any Person or Persons may have become liable under the said Acts or either of them shall and may be sued for, prosecuted, and recovered, and that any Right of Action which may have accrued to any Person or Persons by virtue of the said Acts or either of them shall and may be enforced hereafter in such and the same Manner in all respects, as if this present Act had not been made.

5&6 W.4. c.53.

3&4 Vict. c. 21.

1&2 Vict. c.113. in part.

Recited Acts and Part of Act repealed, except as to the Repeal of 9 G. 4. c.21.

II. And be it enacted, That no Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark,* or *Man,* herein-after designated as the herein-before mentioned Islands, to or for any Port or Place out of *Europe,* and not being within the *Mediterranean Sea,* shall proceed on her Voyage with or shall carry more Persons on board than in the Proportion of Three Persons to every Five Tons of the registered Burden of such Ship, the Master and Crew being included in and forming Part of such prescribed Number, and that no such Ship shall, whatever be the Tonnage thereof, proceed on her Voyage with or carry more Passengers on board than in the following Proportion to the Space occupied by them and appropriated for their Use, and unoccupied by Stores not being the personal Luggage of Passengers; (that is to say,) on the Lower Deck or Platform One Passenger for every Ten such clear superficial Feet, if such Ship is not to pass within the Tropics during such Voyage, but if such Ship is to pass within the Tropics during such Voyage, then One Passenger for every Twelve such clear superficial Feet if such Voyage is computed in manner herein-after mentioned not to exceed Twelve Weeks, and One Passenger for every Fifteen such clear superficial Feet if such Voyage is so computed to exceed Twelve Weeks; and under the Poop and on the Orlop Deck, if any, One Passenger for every Thirty such superficial Feet in all Cases; and that if any Ship carrying Passengers upon any such Voyage as aforesaid shall carry any Passengers beyond the Proportions herein-before respectively mentioned, or any of them, the Master of such Ship shall, for or in respect of every Passenger constituting such Excess, be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding Five Pounds, to be sued for and recovered as herein-after is mentioned.

Limitation of Numbers of Passengers according to Tonnage and Space.

III. And be it enacted, That no Ship shall carry Passengers on any such Voyage as aforesaid unless she have Lower or Hold Beams forming Part of the permanent Structure of the Vessel, and also a Lower Deck or Platform, of which the under Surface shall be not lower than Three Inches above the Bottom of the Lower Beams, and properly and substantially secured to the same, nor unless such Lower Deck or Platform shall be of not less than One and a Half Inch in Thickness.

Construction and Thickness of Lower Deck.

IV. And be it enacted, That no Ship shall carry any Passengers upon any such Voyage as aforesaid unless such Ship shall be of the Height of Six Feet at the least between the Upper Deck and the Lower Deck or Platform herein-before mentioned, nor carry Passengers on the Orlop Deck, if any, unless the Height between such Orlop Deck and the Deck immediately above the same be Six Feet at the least.

Height between Decks.

V. And be it enacted, That no Ship carrying Passengers on any such Voyage as aforesaid shall have more than Two Tiers of Berths, and that in no such Ship shall the Interval between the Floor of the Berths and the Deck or Platform beneath them be less than Six Inches; and further, than the Berths shall be securely constructed, and that their Dimensions shall not be less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Passenger.

Sleeping Berths.

VI. And be it enacted, That on board every Ship carrying Passengers on any such Voyage as aforesaid there shall be issued to the Passengers daily a Supply of Water at the Rate of at least Three Quarts for each Passenger *per* Day, and that there shall also be issued at convenient Times, not less often than Twice a Week, a Supply of Provisions after the Rate of Seven Pounds of Bread, Biscuit, Flour, Oatmeal, or Rice

Quantities of Provisions and Water to be issued to each Passenger.

Rice *per* Week, provided that One Half at least of the Supply shall consist of Bread or Biscuit, and that Potatoes may be employed to the Extent of the remaining Half of the Supply, Five Pounds, however, of Potatoes being computed as equal to One Pound of the other Articles above enumerated; and that such Issues as aforesaid shall be made throughout the whole Voyage, including the Time of Detention, if any, at any Port or Place before the End of such Voyage; and further, that no Ship proceeding on any such Voyage as aforesaid shall be cleared out until there shall be laden and on board such Quantity of pure Water, and of good and wholesome Provisions of the requisite Kind, as shall be sufficient to allow of the Issues aforesaid during the Period assigned to such Voyage under the Provisions of this Act.

Further Regulations as to Water.

VII. And be it enacted, That in any such Ship the Water to be laden on board as herein-before required shall be carried in Tanks or sweet Casks, and that none of such Casks shall exceed Three hundred Gallons in Capacity; and further, that when any Ship shall be destined to call at a Port or Place in the course of her Voyage, for the Purpose of filling up her Water, a Supply of Water at the Rate before mentioned for every Week of the computed Voyage to such Port or Place of calling shall be deemed to be a Compliance with the Provisions of this Act, subject to the following Conditions; (that is to say,)

First, That the Government Emigration Agent at Ports where there is one, and the Collector or Comptroller of Customs at Ports where there is no such Agent, signify his Approval, in Writing, and that the same be carried amongst the Papers of the Ship, to be delivered to the Collector of Customs or Her Majesty's Consul, as the Case may be, on reaching her final Destination:

Secondly, That an Engagement to call at such Port or Place be inserted in the Bond which is herein-after required to be given to the Crown by the Owner or Charterer and Master:

Thirdly, That if the computed Length of Voyage to such Port or Place be not declared in this Act, it shall be competent to the Government Emigration Agent, or the Collector or Comptroller of Customs, as aforesaid, as the Case may be, to fix the same in each Case; and,

Fourthly, That the Ship shall have on board, at the Time of clearing out, Tanks or Water Casks sufficient for stowing the Quantity of Water required for the longest Portion of the whole Voyage.

Computed Length of different Voyages.

VIII. And be it enacted, That the Number of Weeks deemed to be necessary for the Voyage of any such Ship, according to her Destination, shall be determined by the following Rule of Computation; (that is to say,)

For a Voyage to *North America*, except the West Coast thereof, Ten Weeks:

For a Voyage to the *West Indies*, including under that Term the *Bahama Islands* and *British Guiana*, Ten Weeks:

For a Voyage to any Part of the Continent of *Central* or *South America*, except the West Coast thereof, and except *British Guiana*, Twelve Weeks:

For a Voyage to the West Coast of *Africa*, Twelve Weeks:

For a Voyage to the *Cape of Good Hope* or the *Falkland Islands*, Fifteen Weeks:

For a Voyage to the *Mauritius*, Eighteen Weeks:

For a Voyage to *Western Australia*, Twenty Weeks:

For a Voyage to any other of the *Australian* Colonies, Twenty-two Weeks:

For a Voyage to *New Zealand*, Twenty-four Weeks:

How Children are to be computed among Passengers.

IX. Provided always, and be it enacted, That for the Purposes and within the Meaning of this Act it shall in all Cases be computed that Two Children, each being under the Age of Fourteen Years, shall be equal to One Passenger, and that Children under the Age of One Year shall not be included in the Computation of the Number of Passengers.

Government Emigration Agents or Officers of Customs to survey Provisions and Water;

X. And be it enacted, That before any such Ship shall be cleared out for the Voyage the Government Emigration Agent, at Ports where there is such an Officer, or in the Absence of such Agent, and in Ports where there is no such Agent, the Collector or Comptrollers of Customs, shall survey or cause to be surveyed by some competent Person the Provisions and Water herein-before required for the Consumption of the Passengers, and shall ascertain that the same are in a sweet and good Condition, and shall also ascertain that over and above the same there is on board an ample Supply of Water and Stores for the victualling of the Crew of the Ship and other Persons (if any) on board.

and to attend generally to enforcing Act.

XI. And be it enacted, That such Officers shall see that the other Directions contained in this Act be complied with, so far as the same can be complied with, before the Departure of such Ship from any Port or Place in the United Kingdom or in the herein-before mentioned Islands.

Seaworthiness of the Ship may be ascertained by Survey.

XII. And be it enacted, That if Doubts shall arise whether any Ship about to proceed with Passengers as aforesaid is seaworthy, so as to be fit for her intended Voyage, and such Doubts shall not be removed to the Satisfaction of the Collector and Comptroller of the Customs at the Port from which such Vessel is to be cleared out, or in case there shall be a Government Emigration Act at such Port, then to the Satisfaction of such Emigration Agent, it shall be lawful for such Collector and Comptroller, or for such Government Emigration Agent, (as the Case may be,) at any Time to cause such Ship to be surveyed by Two competent Persons, and if it shall be reported by those Persons that such Ship is not in their Opinion seaworthy with reference to such Voyage, such Ship shall not be cleared out, unless the Contents of such Report be disproved to the Satisfaction of the Commissioners of the Customs, or of the Colonial Land and Emigration Commissioners in those Cases in which the Report shall have been made at the Instance of a Government Emigration Agent, or until such Ship shall have been rendered seaworthy.

XIII. And

Sufficient Boats to be carried.

XIII. And be it enacted, That no Ship shall carry any Passengers on any such Voyage as aforesaid unless such Ship shall be provided with good sound Boats of suitable Size, and properly supplied with all Requisites for their Use, in the following Proportion to the registered Tonnage of such Ship as aforesaid; (that is to say,)

Two Boats, if the Tonnage of such Ship be One hundred and fifty Tons and upwards, but under Two hundred and fifty Tons:

Three Boats, if the Tonnage of such Ship be Two hundred and fifty Tons and upwards:

Four Boats, if the Tonnage of such Ship be Five hundred Tons and upwards, and the Number of Passengers exceed Two hundred:

Nor unless One of such Boats be a Long Boat of a Size duly proportioned to the Tonnage of the Ship.

Copies of the Act to be kept on board, and produced if demanded.

XIV. And be it enacted, That Two Copies of this Act shall be kept on board every Ship carrying Passengers on any such Voyage as aforesaid, and that for this Purpose Two Copies of the same, provided and issued by the Authority of the Commissioners of the Customs, shall be delivered to the Master, on Demand, by the Collector or Comptroller of the Customs at the Port and Time of Clearance of the Ship; and One of such Copies shall, upon Request made at seasonable Times to the Master of the Ship, be produced to any Passenger for his Perusal.

In every Ship (except to North America) carrying 100 Passengers, or 50 Passengers, if the Voyage be longer than Twelve Weeks, a Medical Practitioner and Medicines to be carried, and in every other Ship a proper Supply of Medicines.

XV. And be it enacted, That no Ship carrying Passengers on any such Voyage as aforesaid to any such Port or Place as aforesaid, except any Port or Place in *North America*, shall, in case the Number of such Passengers shall amount to or exceed One hundred, or in case the estimated Length of the Voyage, computed as herein-before is mentioned, shall exceed Twelve Weeks, and the Number of such Passengers shall amount to or exceed Fifty, clear out for such Voyage from any Port in the United Kingdom or in the herein-before mentioned Islands, unless there shall be rated upon the Ship's Company, and shall be actually serving on board such Ship, some Person duly authorized by Law to practise in this Kingdom as a Physician or Surgeon or Apothecary, and that no such Ship shall actually put to Sea or proceed on such Voyage unless such Medical Practitioner shall be therein, and shall *bonâ fide* proceed on such Voyage, taking with him a Medicine Chest, and a proper Supply of Medicines, Instruments, and other Things suitable to the intended Voyage; and no Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom or in the herein-before mentioned Islands, to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, shall clear out for any such Voyage unless and until there shall be actually laden and on board such Ship Medicines, and printed or written Directions for the Use of the same, and other Things necessary for the Medical Treatment of the Passengers on board during such intended Voyage, and available for that Purpose, nor unless such Medicines and other Things shall be adequate in Amount and Kind to the probable Exigencies of any such Voyage, and, together with such Medicines and other Things, shall also be put on board every such Ship previously to her clearing out for any such Voyage as aforesaid a Certificate under the Hands of any One or more such Medical Practitioner, qualified as aforesaid, who shall not have been the Seller of the Medicines and other Things, or any Part of them, to the Effect that the same have been inspected by him, and are in his Judgment adequate to meet any such probable Exigencies as aforesaid, and further, that he has no pecuniary Interest in the Supply of the same.

Sale of Spirits to Passengers prohibited.

XVI. And be it enacted, That in any Ship carrying Passengers upon any such Voyage as aforesaid no Spirits or Strong Waters shall be sold to any Passenger during the Voyage; and that if the Master of the Ship shall, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger during the Voyage, he shall be liable to a Penalty not exceeding One hundred Pounds, to be sued for and recovered in manner herein-after mentioned.

List of Passengers to be delivered before clearing.

XVII. And be it enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall, before clearing out his said Ship for such Voyage from any Port or Place in the United Kingdom or in the herein-before mentioned Islands, sign and deliver, in Duplicate, to the Collector or to such Officer of Her Majesty's Customs at such Port or Place as may clear the Ship, a List, made out according to the Form contained in Schedule (A.) hereto annexed, of all and every the Passengers on board of such Ship, specifying, as accurately as may be, all the Particulars in the said Form required, and such Collector or other Officer shall thereupon countersign and return to the said Master one of such Duplicate Lists; and the said Master shall exhibit such Duplicate List, with the Additions, if any, to be made thereto as herein-after directed, to the Collector or other chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Collector or chief Officer of Customs, or such Consul, as the Case may be, at his final Port of Discharge.

Lists of additional Passengers after clearing out.

XVIII. And be it enacted, That in case any such Vessel shall have cleared out as aforesaid with a Number of Passengers less than the Number she could lawfully carry under the Provisions of this Act, or in case any Passenger or Passengers named in the List afore mentioned shall not proceed on the Voyage, and there shall afterwards be taken on board any additional Passenger or Passengers, the Master shall in every such Case add to the first List so countersigned and returned to him as aforesaid, and in the same Manner as is required in such first List, the Names and Particulars of such additional Passenger or Passengers; and shall moreover prepare, in the Form aforesaid, a separate List of such additional Passenger or Passengers, and deliver the same, together with the said first List so added to as aforesaid, both being duly signed by him, to the Collector or other Officer of Customs as aforesaid at the Port or Place where any

any such additional Passenger or Passengers may have embarked, and thereupon such Collector or other Officer of Customs shall countersign the Additions so made to such first List as aforesaid, and shall return the same to the said Master, and retain the separate additional List, and so on in like Manner whenever any additional Passenger or Passengers may be taken on board: Provided always, that in the event of there being no Collector or other Officer of Customs stationed at any Port or Place where such additional Passenger or Passengers may be taken on board, then such separate List, and also the said first List, with the Additions so to be made to it as aforesaid, shall, in case the Vessel shall subsequently touch at any Port or Place at which there shall be stationed any Officer of Her Majesty's Customs, be delivered by the said Master to such Officer of Customs, and the same respectively shall be dealt with in all respects by such Officer of Customs as it would have been dealt with by the Collector or other Officer of Customs as aforesaid had there been one at the Port or Place where such additional Passenger or Passengers embarked.

Written Receipts to be given in respect of Passengers to North America.

XIX. And be it enacted, That if any Owner, Charterer, or Master of a Ship, or any Passage Broker, Agent, or other Person, shall receive any Money from any Person, for or in respect of the Conveyance of any Person as a Passenger on any such Voyage as aforesaid to any Port or Place in *North America*, the Person so receiving such Money shall give a written Acknowledgment for the same to the Party from whom the same shall have been received, in the Form contained in the Schedule (B.) hereto annexed, and in default thereof shall be liable to a Penalty not exceeding Ten Pounds in respect of each such Passenger, to be sued for and recovered as herein-after is mentioned, and if he shall be so licensed as herein-after is mentioned, his Licence shall be forfeited, in case the Justices before whom the Penalty shall be sued for shall declare the Forfeiture thereof.

Licences to be taken out by Dealers and Brokers in respect of Passages to North America.

XX. And be it enacted, That from and after the Commencement of this Act no Person, not being the Owner or Master of the Ship in which such Passages as are herein-after mentioned shall be taken, shall carry on the Business of a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom or the herein-before mentioned Islands to any Port or Place in *North America*, or shall sell or let, or agree to sell or let, to any Person, any such Passage, unless he shall have previously taken out a Licence to carry on the Business of a Passage Broker or Passage Dealer as herein-after is mentioned, and unless such Licence shall continue in force; and if any Person shall carry on such Business, or sell or let, or agree to sell or let, any such Passage, contrary to this Enactment, every Person so offending shall be liable to a Penalty not exceeding Ten Pounds in respect of each and every such Offence, to be sued for and recovered as herein-after is mentioned, and shall further be subject to all the same Penalties and Liabilities to which licensed Passage Brokers and Passage Dealers are subject under this Act; and that it shall be lawful for any Person desiring to carry on the Business of a Passage Broker or Passage Dealer in respect of such Passages to *North America* as aforesaid, to make Application to the Justices assembled in Petty or Quarter Sessions held for the District or Place in which such Person shall reside, for a Licence to carry on such Business, and such Justices so assembled are hereby authorized to grant such Licence to the Party making Application for the same, such Licence to be made out according to the Form contained in the Schedule (C.) hereunto annexed, and to continue in force for the Period named in such Form, unless sooner forfeited in manner herein-after mentioned; and where any such Licence shall be granted such Justices shall cause Notice thereof to be forthwith transmitted by the Post to the Colonial Land and Emigration Commissioners at their Office in *London*: Provided nevertheless, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given Notice to the Colonial Land and Emigration Commissioners of his Intention to apply for the same Twenty-one clear Days at least before such Application, such Notice to be transmitted by the Post to the Office of the said Colonial Land and Emigration Commissioners, and to be in the Form contained in the said Schedule (D.) hereunto annexed.

Licences to be granted by Justices, and Notice thereof transmitted to Colonial Land and Emigration Commissioners.

Notice to be given to the Commissioners of intended Application for Licences.

Penalties for acting without written Authority from Principals, and for obtaining Passage Money fraudulently.

XXI. And be it enacted, That if any licensed Broker or Dealer as aforesaid shall receive Money for or on account of the Passage of any Passenger for any such Voyage as aforesaid to any Port or Place in *North America*, without having a written Authority to act as Agent for the Party on whose Behalf the Contract for such Passage purports to be made, or shall by any Fraud or false Pretence whatsoever induce any Person to purchase, hire, or engage a Passage in any Ship for any such Voyage as aforesaid, every such Broker or Dealer shall be liable, upon Conviction, as herein-after is mentioned, in respect of every such Offence, to a Penalty not exceeding Ten Pounds, to be sued for and recovered in manner herein-after mentioned; and it shall be lawful for the Justices before whom the Penalty shall be sued for to declare, if they shall think fit, the Licence of such Broker or Dealer to be forfeited, and the same shall upon such Declaration be forfeited accordingly: Provided always, that in any Case in which under the Provisions of this Act any Justices shall declare the Licence of any Passage Broker or Passage Dealer to be forfeited, such Justices shall cause Notice of such Forfeiture, in the Form contained in the Schedule (E.) hereunto annexed, to be forthwith transmitted by the Post to the Colonial Land and Emigration Commissioners, at their Office in *London*.

Return of Passage Money and Compensation to Passengers, in certain Cases.

XXII. And be it enacted, That if any Passenger or Person on his Behalf shall have entered into a Contract for a Passage or Passages for such Passenger, or for him and his Family, in any Ship, for any such Voyage as aforesaid, from any Port in the United Kingdom or in the herein-before mentioned Islands, to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, and if such Passenger, or such Passenger and his Family, (as the Case may be,) shall be at the Place of Embarkation at the Time appointed for that Purpose in and by such Contract, and such Passenger shall apply for such Passage

Passage or Passages, and shall, on Demand, pay or tender such Part of the Passage Money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous Departure of the Ship in which such Passage or Passages shall have been engaged, or the Neglect, Refusal, or other Default of the Owner, Charterer, or Master thereof, or of the Party with whom such Passage or Passages shall have been contracted for, such Passenger shall not obtain such Passage or Passages, or shall not within a reasonable Time obtain a Passage or Passages by some other equally eligible Vessel to the same Port or Place, and in the meantime be paid Subsistence Money, or be provided with Lodging and Maintenance, as herein-after mentioned, such Passenger shall be entitled to recover, in manner herein-after provided, all Monies which he shall have paid for such Passage or Passages, from the Party to whom he shall have paid the same, or from the Owner or Charterer of the Ship for whom such Party shall be the Agent, and also such further Sum not exceeding Ten Pounds in respect of each such Passage as shall, in the Opinion of the Justices who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger or his Family by the Loss of such Passage or Passages.

Subsistence in case of Detention.

XXIII. And be it enacted, That if any Ship shall not actually put to Sea, and proceed upon any such intended Voyage as aforesaid, on the Day for that Purpose appointed in and by any Contract made by the Owner, Master, or Charterer of such Ship, or by their Agent, with any Passenger who shall on that Day be on board the same, or ready to proceed on such intended Voyage, then and in every such Case the Master of such Ship shall victual each and every such Passenger in like Manner as if the Voyage had commenced, and if the Ship does not put to Sea after the Interval of Two clear working Days from the Day appointed for sailing, shall be liable to pay to each and every such Passenger, instead of victualling him, Subsistence Money, after the Rate of One Shilling in respect of each Day of Delay, until the actual clearing out and final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned; provided, however, that such Subsistence Money shall not be payable in lieu of victualling in respect of any unavoidable Detention by Wind or Weather, and also shall not be payable to any Passenger who shall, with his own Consent, be suitably lodged and maintained on shore at the Expence of the Parties who are bound to provide him with a Passage.

Persons not to be landed without Consent at any other Place.

XXIV. And be it enacted, That the Master of any Ship carrying Passengers under the Provisions of this Act shall not land or put on shore, or cause to be landed or put on shore, any Passenger, without his previous Consent, at any Port or Place other than the Port or Place at which he may have contracted to land or put such Passenger on shore.

Passengers to be maintained for Forty-eight Hours after their Arrival.

XXV. And be it enacted, That at the Close of any such Voyage as aforesaid every Person arriving as a Passenger at any Port or Place shall, during the Space of Forty-eight Hours next after such Arrival, be entitled to continue on board such Ship, and to be provided for and maintained on board the same, in such and the same Manner as during such Voyage, unless in the ulterior Prosecution of her Voyage any such Ship shall quit any such Port or Place within the said Period of Forty-eight Hours.

Facilities to be given to the proper Officers for Inspection of Ship, &c.

XXVI. And be it enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall afford to the Government Agent for Emigration, or to the proper Officer of Customs at any Port or Place in Her Majesty's Dominions from which such Ship shall sail, or at which such Ship shall touch during the Voyage, or at which such Ship shall arrive at the End of such Voyage, and to Her Majesty's Consul at any Port or Place at which such Ship shall arrive, being in a Foreign Country, every Facility for the Inspection of the Ship, and for Communication with the Passengers, and for ascertaining that the Act has been duly observed.

Penalties.

XXVII. And be it enacted, That if in any Ship carrying Passengers on any such Voyage as aforesaid such Lower Deck or Platform of such Thickness as herein-before directed shall not be laid and continued throughout the whole Duration of any such Voyage in such Manner as is herein-before required; or if the Height between such Lower Deck or Platform and the Upper Deck shall be less than Six Feet; or if there shall be more than Two Tiers of Berths; or if such Berths shall not be securely constructed, or shall not be of the Dimensions herein-before required; or if there shall not be throughout the whole Duration of any such Voyage such an Interval as is herein-before prescribed between the Deck and the Floor of the Berths; or if any such Ship shall clear out and put to Sea not having on board Tanks or sweet Casks of such Size and Number as aforesaid, and such Water and Provisions as aforesaid, for the Use and Consumption of the said Passengers, of the Kind and to the Amount and in the Proportion herein-before required; or if such Water and Provisions shall not be issued in manner herein-before required; or if such Ship shall not be provided with good Boats according to the Rates aforesaid; or if Copies of this Act shall not have been kept on board and produced on Demand as herein-before required; or if there shall not be on board any such Vessel such Medical Practitioner as aforesaid, or such Medicines and other Things necessary to the Medical Treatment of the Passengers as is herein-before required; or if any such Ship shall be cleared out before such List of Passengers as herein-before mentioned shall have been delivered in manner and form aforesaid to such Officer as aforesaid; or if the Additions to such List and such additional separate List or Lists as aforesaid be not made in the Cases aforesaid, and delivered in the Cases in which they are herein-before required to be delivered; or if any such List, or the Additions to the same, shall be wilfully false; or if any such List, including the Additions, if any, to the same, shall not be exhibited to or deposited with the proper Officer at any Port or Place at which it is herein-before required to be exhibited or deposited; or if any Passenger shall, without his previous Consent, be put on

on shore at any Place other than the Place at which the Master had contracted to land such Passenger; or if any Passenger shall not be allowed to continue on board such Ship in manner herein-before provided; or if every such Facility for Inspection shall not be afforded as is herein-before required, the Master of any such Ship shall for and in respect of each and every such Offence be liable, on such summary Conviction as herein-after mentioned, to the Payment of a Fine not exceeding Fifty Pounds Sterling *British* Money.

The Right of Action of Passengers not to be affected.

XXVIII. Provided nevertheless, and be it enacted, That nothing herein conta ned shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any such Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Owner or Owners, of any such Ship.

Recovery of Penalties.

XXIX. And be it enacted, That all Penalties imposed by this Act for any Offence against the same may be sued for and recovered to the Use of Her Majesty as herein-after is mentioned; (that is to say,) in the United Kingdom by any Government Emigration Agent, or any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties under this Act; and in any of Her Majesty's Possessions abroad by any such Government Agent, Collector, or Comptroller, or other Officer so authorized as aforesaid, and also by any Officer authorized to sue for Penalties under this Act, by Writing under the Hand and Seal of the Governor or Officer administering the Government of any such Possession; which respective Authorities the Commissioners of Her Majesty's Customs and such Governors or other Officers are hereby empowered to grant; and all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation, may be sued for and recovered, as herein-after is mentioned, by or to the Use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, on behalf and to the Use of any such Passenger, or on behalf and to the respective Use of any Number of such Passengers, and either by One or several Complaints; and all such Penalties and Sums of Money may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be; and upon Complaint being made before any One Justice of the Peace as aforesaid he shall issue a Summons requiring the Party offending or complained against to appear on a Day and at an Hour and Place to be named in such Summons; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last House, Place of Residence or of Business, or on board any Ship to which he may belong; and either upon the Appearance or Default to appear by the Party offending or complained against it shall be lawful for any Two or more Justices to proceed summarily upon the Case, and either with or without any written Information; and upon Proof of the Offence or of the Complainant's Claim (as the Case may be), either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), it shall be lawful for such Justices to convict the Offender or adjudicate the Complaint, and upon such Conviction or Adjudication to order the Offender or Party complained against to pay such Penalty, within the Limits herein-before expressed, as the Justices may declare to have been incurred, or (as the Case may be) to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, and also to pay the Costs attending the Information or Complaint, Summons, Conviction, or Adjudication; and if forthwith upon any such Order the Monies thereby ordered to be paid be not paid, the same may be levied, together with the Costs of the Distress and Sale, by Distress and Sale of the Goods and Chattels of the Party ordered to pay such Monies, the Surplus, if any, to be returned to him, upon Demand; and any such Justices may issue their Warrant accordingly, and may also order such Party to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Party give sufficient Security, to the Satisfaction of such Justices, for his Appearance before them on the Day appointed for such Return, such Day or Days not being more than Eight Days from the Time of taking such Security; but if it shall appear to such Justices, by the Admission of such Party or otherwise, that no sufficient Distress can be had whereon to levy the Monies so adjudged to be paid, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, or any Two or more such Justices, as aforesaid, then such Justices shall by Warrant cause the Party ordered to pay such Monies and Costs as aforesaid to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Monies and Costs ordered to be paid, and such Costs of Distress and Sale as aforesaid, be sooner paid and satisfied.

Vivâ voce Evidence of a Party being a Government Agent or Officer.

XXX. And be it enacted, That if in any Proceeding before any Justice or Justices under this Act, or upon any Action, Suit, or other Proceeding whatsoever against any Person or Persons for any thing done either contrary to or in pursuance of this Act, a Question should arise whether any Person is a Government Emigration Agent, or an Officer of the Customs, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Passengers suing not incompetent Witnesses.

XXXI. And be it enacted, That any Passenger suing, as herein-before is mentioned, for any Sum of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

XXXII. And

Distress not to be unlawful for Informality.

XXXII. And be it enacted, That where any Distress shall be made for any Penalty, Monies, or Costs to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Tender of Amends.

XXXIII. And be it enacted, That no Plaintiff shall recover in any Action against any Person for any thing done in pursuance of this Act if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Limitation of Actions.

XXXIV. And be it enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Party or Person against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall and may recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

Owners or Charterers and Masters of Vessels to enter into Bond (without Stamps) for the due Performance of the Regulations prescribed by this Act.

XXXV. And for the more effectually securing the Observance of the aforesaid Rules, and the Payment of the Penalties, be it enacted, That before any Ship carrying Passengers, if the Number of such Passengers shall exceed Fifty, shall clear out for any such Voyage as aforesaid from any Port or Place in the United Kingdom or in the herein-before mentioned Islands, the Owner or Charterer, or, in the event of the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Collector or chief Officer of Customs at such Port, and the Master of the said Ship, shall enter into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of One thousand Pounds, the Condition of which Bond shall be that the said Ship is seaworthy, and that all and every the Rules and Regulations made and prescribed by this Act for the Carriage of Passengers shall be well and truly performed before and during such intended Voyage, and that all Penalties, Fines, and Forfeitures which the Master of such Ship may be sentenced or adjudged to pay for or in respect of the Breach or Nonperformance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond shall be without Stamps; and that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, Information, or Complaint shall be brought under or by virtue of this Act, or upon or by reason of the Breach of any of the Provisions thereof, in any of Her Majesty's Possessions abroad, after the Expiration of Twelve Calendar Months next succeeding the Commencement of any such Voyage as aforesaid, nor in the United Kingdom, or any of the Islands before mentioned, after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom or the herein-before mentioned Islands.

Limitation of Prosecutions.

Exception of particular Kinds of Ships.

XXXVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to Ships carrying Passengers on such Voyage as aforesaid if the Number of such Passengers shall not amount to or exceed Thirty, nor shall any thing in this Act contained extend to any of Her Majesty's Ships of War, or to any Ship in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, or to Ships of War or Transports in the Service of the *East India* Company.

Extension of Act to West Indies, Western Africa, Malta, and Mauritius.

XXXVII. 'And whereas it is expedient to provide in certain Cases for the Regulation of Voyages from 'the Colonies;' be it therefore enacted, That this Act shall, except as herein-after is excepted, extend and apply to the Carriage of Passengers by Sea from any of the *British West Indies*, in which Term are included the *British West India* Islands, the *Bahamas*, and *British Guiana*, and from *Malta*, and from the *British* Possessions in *Africa*, and from the *Mauritius*, to any other Place whatsoever.

Power to Governors of other Colonies to adopt the Act.

XXXVIII. And be it enacted, That it shall be lawful for the Governor or Officer administering the Government of any *British* Colony not enumerated in the Enactment lastly herein-before contained to declare by Proclamation, to be issued for that Purpose, that this Act, except as herein-after is excepted, shall be extended and shall apply to the Carriage of Passengers by Sea from such Colony to such Places as may by him be named for the Purpose in such Proclamation, and thereupon this Act shall be thenceforth so extended and shall so apply accordingly.

Governors may declare computed Length of Voyage.

XXXIX. And be it enacted, That it shall be lawful for the Governor or Officer administering the Government of any of the *British* Colonies to which this Act, as respects the Carriage of Passengers by Sea therefrom, has been hereby extended or shall have been extended by Proclamation, as herein-before is mentioned,

mentioned, by any Proclamation or Proclamations to be by him from Time to Time issued for that Purpose, to declare the Rule of Computation by which the Length of the Voyage of any Ship carrying Passengers from such Colony to any other Place shall be estimated for the Purposes of this Act: Provided nevertheless, that this Act shall not, except as respects the *West Indies*, and except as herein-after is mentioned, extend or apply to any such Voyage, if the Length thereof so computed shall not be Three Weeks or upwards.

Proviso.

The Governor, &c. may issue Proclamation substituting other Articles of Food, &c.

XL. And be it enacted, That it shall be lawful for the Governor or Officer administering the Government of any of the *British* Colonies to which this Act has, as respects the Carriage of Passengers by Sea therefrom, been hereby extended, or shall have been so extended by Proclamation as herein-before is mentioned, by any Proclamation or Proclamations to be by him from Time to Time issued for that Purpose, to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as shall be a full Equivalent for the same.

Such Proclamation to be transmitted for Her Majesty's Confirmation or Disallowance.

An attested Copy receivable as Evidence thereof.

XLI. Provided always, and be it enacted, That every such Proclamation as aforesaid, or as herein-after is mentioned, shall be transmitted by the Governor or Officer by whom the same may have been issued to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and in case the same shall be disallowed by any Order to be made by Her Majesty for that Purpose, with the Advice of Her Privy Council, then from and after the Promulgation of any such Order in Council within any such Colony any such Proclamation shall cease to be of any Force or Authority, but until so disallowed the same shall be duly observed and obeyed: Provided also, that on the Production at any One of the Colonies aforesaid of an attested Copy of any such Proclamation as aforesaid, or as herein-after is mentioned, under the Hand of the Governor or the Officer administering the Government of the Colony wherein the same may have been issued, and under the public Seal of such Colony, such attested Copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient Evidence of the issuing and of the Contents of any such Proclamation.

Powers for determining Seaworthiness of Ships vested in Governors, &c.

XLII. And be it enacted, That all the Powers and Authorities which are herein-before vested in the Collector and Comptroller of the Customs, for determining the Seaworthiness of any Ship carrying Passengers from any Port in the United Kingdom, shall, in respect of any Ship carrying Passengers from any Port in any of the Colonies aforesaid, be and the same are hereby vested in the respective Governors or Officers administering the Government of the said Colonies respectively.

No Bond required for Voyages from the Colonies.

XLIII. Provided always, and be it enacted, That as respects Voyages from the Colonies it shall not be necessary for the Master, Owner, or Charterer of any Ship carrying Passengers on any such Voyage to enter into any such Bond as is herein-before required to be entered into by the Master and Owner or Charterer of any Ship carrying Passengers on any such Voyage as herein-before is mentioned.

Exception of certain Provisions of this Act in the Case of Voyages from the Colonies.

XLIV. Provided also, and be it enacted, That the Provisions of this Act shall not extend or apply to Voyages from the Colonies, so far as relates to the following Subjects; (namely,)

The keeping Copies of the Act on board:

The Use of the Form of Receipt herein-before required to be given for Passage Money:

The licensing of Passage Brokers:

The Return of Passage Money and Compensation, in case the Party cannot be forwarded by the appointed Ship, or by some other eligible Vessel, and victualling or the Payment of Subsistence Money in case of Detention.

Extension of the Act, with further Exceptions, to Voyages shorter than Three Weeks in the West Indies.

XLV. Provided always, and be it enacted, That, except as herein-before is excepted with respect to Voyages from the Colonies, the Provisions and Regulations of this Act shall extend and apply to Voyages from the *West Indies* of less Duration, so computed as aforesaid, than Three Weeks, but being of not less Duration, so computed as aforesaid, than Three Days, save and except so far as relates to the following Subjects; (namely,)

The Construction or Thickness of the lower Deck or Platform:

The Berths:

The Height between Decks:

The Surgeon and Medicine Chest:

The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that as respects such Voyages from the *West Indies* of less computed Duration than Three Weeks, the Owner or Charterer of a Ship may, if he think fit, contract with the Passengers engaging Passages therein, that they shall respectively provide themselves with necessary Food (not including Water) for the Voyage; and in such Case the Regulations of this Act respecting the Issue of Provisions by the Master shall not be applicable to such Passengers on such Voyage.

Power to Governors of other Colonies to adopt the same Extension of the Act to Voyages shorter than Three Weeks.

XLVI. Provided also, and be it enacted, That it shall be lawful for the Governor or Officer administering the Government of any *British* Colony (other than the *West Indies*) to which this Act, as respects the Carriage of Passengers by Sea therefrom, has been hereby extended, or shall hereafter be extended by Proclamation, as herein-before is mentioned, by the same, or by any subsequent Proclamation to be by him issued for that Purpose, to declare that the Enactment herein-before contained respecting Voyages from the *West Indies* of shorter Duration than Three Weeks shall extend and apply to Voyages from the Colony in respect of which such Proclamation shall be issued, such Voyage being of less Duration, so computed as aforesaid, than Three Weeks, but not of less Duration, so computed as aforesaid, than Three Days; and thereupon such Enactment shall extend and apply to such Voyage accordingly.

XLVII. And

This Act not to prevent the Enactment by Colonial Assemblies, or by Her Majesty in Council, of Laws necessary for establishing the Rules and Regulations required by recited Act and this Act.

XLVII. And be it enacted, That nothing in this Act contained extends or shall be construed to extend to prevent the Enactment by the respective Governors, Councils, and Assemblies, or other local Legislatures, in the *British West Indies* and *South America*, and in the *Bahama Islands*, and in *Bermuda*, or by Her Majesty, with the Advice of Her Privy Council, of any such Acts of General Assembly, or Ordinances, or Orders in Council, as may be requisite for making and establishing such several Rules and Regulations as are required by this Act, or any of them, or for carrying the same into full and complete Effect: Provided nevertheless, that it shall not be lawful for any such Governor, Council, and Assembly, or for any such local Legislature, or for Her Majesty in Council, by any such Acts of Assembly, Ordinances, or Orders in Council as aforesaid, to make or establish any Enactment, Provision, Rule, or Order which shall be in anywise repugnant or contradictory to this Act or any Part thereof, but that every such Enactment, Regulation, Provision, Rule, or Order shall be and is hereby declared to be absolutely null and void and of no Effect.

Power to the Governor General of India in Council to adopt this Act, with certain Exceptions, in India;

XLVIII. Provided always, and be it enacted, That nothing herein-before contained shall be construed to apply to any of the Territories or Places under the Government of the *East India* Company, or to any of the Governors appointed by the said Company; nor shall any thing herein-before contained affect or be construed to affect the Powers now vested in the Governor General of *India* in Council to make Laws and Regulations whereby the Provisions of this Act, or such of them as to the said Governor General of *India* in Council shall seem expedient, shall or may be extended to the Territories and Places under the Government of the said Company, or for or in respect of which the said Governor General in Council has now by Law a Power of Legislation; but it is hereby enacted, that it shall be lawful for the Governor General of *India* in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act, with such Exceptions as are herein-before mentioned, shall extend and apply to the Carriage of Passengers upon any Voyage from any Ports or Places within the Territories of the *East India* Company, to be specified or described in such Act or Acts, to any other Places whatsoever, to be also specified or described in such Act or Acts, and also in like Manner to authorize the Substitution, as respects such Voyages, of other equivalent Articles of Food and Provisions for those herein-before enumerated, and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated, and to confer the Powers herein-before conferred upon Government Emigration Agents, and Collectors and Comptrollers of the Customs, with respect to ascertaining and deciding on the Seaworthiness of a Ship, upon such Officers of the *East India* Company as the said Governor General in Council may think proper; and from and after the passing of such Act or Acts, and whilst the same shall remain in force, this Act shall, with such Exceptions as are herein-before made as respects Voyages from the Colonies, apply to and extend to the Carriage of Passengers upon such Voyages as in the said Act or Acts shall be specified; which Acts shall nevertheless be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, and be laid before both Houses of Parliament, as in the Case of any other Laws or Regulations which the said Governor General in Council is now by Law empowered to make.

and to regulate Mode of proceeding for Recovery of Penalties in India.

XLIX. And be it enacted, That it shall be lawful for the Governor General of *India* in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare in what Manner, and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within any Places or Territories under the Government of the *East India* Company, and to what Uses such Penalties shall be applied.

Act to extend to Foreign Vessels.

L. And be it enacted, That the Provisions, Regulations, Penalties, and Forfeitures set forth in this Act shall extend and be deemed to extend to Foreign Vessels carrying Passengers upon any Voyage from any Port or Place in the United Kingdom, or in the herein-before mentioned Islands, to or from any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, or upon any other Voyage to which the Provisions of this Act shall for the Time being extend.

Act not to extend to Cabin Passengers.

LI. And be it enacted, That wherever the Term "Passage" or "Passenger" is used in this Act, it shall be held not to include or extend to the Class of Passages or Passengers commonly known and understood by the Name of Cabin Passages and Cabin Passengers.

Interpretation of Act.

LII. And be it enacted, That in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, every Word importing the Singular Number or the Masculine Gender only shall be understood to include and shall be applied to several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and Females as well as Males respectively.

Title of the Act.

LIII. And be it enacted, That in all Proceedings it shall be sufficient to cite this Act by the Title of "The Passengers Act."

Commencement of Act.

LIV. And be it enacted, That this Act shall commence on the First Day of *October* One thousand eight hundred and forty-two, and not sooner.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Referred to in the 17th Section of the Passengers Act.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of superficial Feet in the several Compartments set apart for Steerage and Intermediate Passengers.	Total Number of Statute Adults the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Section of the Passengers Act, are sufficient for Passengers, computed according to the Act.

(Signed) _____ } Master.
_____ }

Date _____

NOMINAL LIST of PASSENGERS.*

Ports of Embarkation.	Name of Passengers.	Adults.			Children under 14 Years.			Profession, Occupation, or Calling of Passenger.	Port at which Passengers have contracted to be landed.
		M.	F.	Total.	M.	F.	Total.		
	Total Number of Souls equal to Statute Adults								

* We hereby certify the above is a correct List of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.
(Countersigned) _____ Officer of Customs.

N.B.—*Lines should be ruled in the same Form, for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.*

SCHE-

SCHEDULE (B.) referred to in the 19th Section of this Act.

PASSENGERS CONTRACT TICKET.

N.B.—*Any one receiving Money from or in respect of any Passenger about leaving the United Kingdom for any Place in North America, without using this Form, and correctly filling up the Blanks therein, and signing it with his Name in full, will be liable to a Penalty not exceeding £10 for each such Passenger.*

Ship_____ of_____ Tons Register Burden, to sail from_____ for_____ on the_____ Day of_____ 18____.

Names.	Ages.	Equal to Statute Adults.

I engage that the Parties herein named shall be provided with a Steerage Passage to_____ in the Ship_____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, for the Sum of £_____ including Head Money, if any, at the Place of landing, and every other Charge; and I hereby acknowledge to have received the Sum of £_____ in $\frac{\text{full}}{\text{part}}$ Payment.

Water and Provisions according to the annexed Scale will be supplied by the Ship, as required by Law, and also Fires and suitable Hearths for cooking.

Utensils for eating and drinking will be provided by_____.*

Bedding will be provided by_____.*

Signature _____ { N.B.—If signed by a Broker or Agent, state on whose Behalf.

Date_____

[*At End of this Contract insert the Victualling Scale, which must in no Case be less than required under the Provisions of the Passengers Act.*]

* Fill up these Blanks by stating, in each Case, whether the Articles are to be supplied by the Ship or by the Passenger.

Deposit £_____

Balance £_____ to be paid at_____

Total £

SCHEDULE (C.) referred to in the 20th Section of this Act.

FORM of PASSENGER BROKER'S LICENCE.

*A.B.** of in the having shown to the Satisfaction of us, the undersigned Justices of the Peace in $\frac{\text{Quarter}}{\text{Petty}}$ Sessions assembled, That he hath duly given Notice to Her Majesty's Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America: We, the undersigned Justices so assembled as aforesaid, and having had no sufficient Cause shown to us why the said *A.B.* should not receive such Licence, do hereby license and authorize the said *A.B.* to carry on the Business of a Passenge Broker or Passager Dealer as aforesaid, until the 31st Day of December in the Year following the present Year, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said *A.B.*, as in the Passengers Act is provided.

* The Names in full, with the Additions and Address of the Party applying for the Licence, must be correctly inserted.

Given under our respective Hands and Seals, this Day of 18 at_____

_____ (L.S.)
Justice of the Peace.

_____ (L.S.)
Justice of the Peace.

SCHE-

SCHEDULE (D.) referred to in the 20th Section of this Act.

FORM of NOTICE to be given by Passage Broker to Her Majesty's Colonial Land and Emigration Commissioners.

Gentlemen,

I *A.B.* of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of Twenty-one clear Days from the putting of this Notice into the Post, to the Justices to be assembled in the $\frac{\text{Quarter}}{\text{Petty}}$ Sessions to be held for for a Licence to carry on the Business of a Passenger Broker or Passage Dealer in respect of Passages to North America.

N. B.—The Names in full, with the Additions and Address of the Party, must be here correctly inserted.

N. B.—Name the Place or District in which the Party giving the Notice resides.

Signature _____

Date _____

To Her Majesty's Colonial Land and Emigration Commissioners.

SCHEDULE (E.) referred to in the 21st Section of this Act.

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners of Forfeiture of Passage Broker's Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 18 , to *A.B.* of in to act as a Passage Broker or Passage Dealer, was on the Day of now last past duly declared by us, the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited,

The Names in full, with the Additions and Address of the Party, to be here inserted.

Here state the Reason of Forfeiture.

Signatures _____

_____

Date _____

To Her Majesty's Colonial Land and Emigration Commissioners, London.

CAP. CVIII.

An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years. [12th *August* 1842.]

'WHEREAS it would be advantageous to the Estates of Ecclesiastical Corporations, aggregate and sole, and for the Interests of the Church, if such Corporations were empowered to grant Leases for long Terms of Years, under proper Reservations and Restrictions:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Ecclesiastical Corporation, aggregate or sole, except any College or Corporation of Vicars Choral, Priest Vicars, Senior Vicars, Custos and Vicars, or Minor Canons, and except also any Ecclesiastical Hospital, or the Master thereof, from Time to Time after the passing of this Act, with such Consent and under such Restrictions as are herein-after mentioned, by any Deed duly executed, to lease all or any Part of the Lands or Houses of or belonging to such Corporation in his or their Corporate Capacity (except as herein-after is mentioned), and whether such Lands or Houses may or may not have been previously leased under the Provisions of this Act, for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession, and not in Reversion or by way of future Interest, to any Person who may be willing to improve or repair the present or any future Houses thereon, or any of them, or to erect other Houses instead thereof, or to erect any Houses or other Buildings on any Lands whereon no Building shall be standing, or who shall be willing to annex any Part of the same Lands to Buildings erected or to be erected on the said Lands or any Part thereof, or otherwise to improve the said Premises or any Part thereof; and with or without Liberty for the Lessee to take down any Buildings which may be upon the Lands in such Leases respectively to be comprised, and to dispose of the Materials thereof to such Uses and Purposes as shall be agreed upon; and with or without Liberty for the Lessee to set out and allot any Part of the respective Premises to be comprised in any such Lease as and for Ways, Passages, Sewers, Drains, Wells, Reservoirs, Yards, or otherwise, for the Use and Convenience of the respective Lessees, Tenants, or Occupiers of the Premises, or for the general Improvement of the Premises; and also

Ecclesiastical Corporations, aggregate or sole, (with certain Exceptions,) empowered to grant Building Leases, under certain Restrictions.

also with or without Liberty for the Lessee to dig, take, and carry away and dispose of such Earth, Clay, Sand, Loam, or Gravel as it shall be found convenient to remove for effecting any of the Purposes aforesaid; so as there be reserved by every such Lease the best yearly Rent that can be reasonably obtained for the Premises therein comprised, payable half-yearly or oftener; and so as every such Lease be made without taking any Fine, Premium, or Foregift, or any thing in the Nature thereof, for or in respect of the making the same; and so as in every such Lease made for the Purpose of having Buildings erected there shall be contained a Covenant on the Part of the Lessee to build, complete, and finish the Houses which may be agreed to be erected on the Premises, if not then already done, within a Time or Times to be specified for that Purpose, and to keep in repair during the Term such Houses; and so as in every such Lease made for the Purpose of having Buildings repaired or rebuilt there shall be contained a Covenant on the Part of the Lessee or Lessees substantially to rebuild or repair the same within a Time or Times to be specified for that Purpose, and to keep in repair during the Term the Houses agreed to be rebuilt and repaired; and so as in every such Lease, whether for the Purpose of having Buildings erected or otherwise, there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved, and of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the same Premises, and also a Covenant for keeping the Houses erected and to be erected on the Premises to be therein comprised (except any Works or Manufactories which may not be insurable) insured from Damage by Fire, to the Amount of Four Fifths at least of the Value thereof, in some or one of the public Offices of Insurance in *London, Westminster, Norwich, Bristol, Exeter, Newcastle on Tyne, York,* or *Liverpool,* or of the *Kent* Fire Insurance Company, (the particular Office of Insurance being named in the Lease,) and to lay out the Money to be received by virtue of such Insurance, and also all such other Sums as shall be necessary, in rebuilding, repairing, and reinstating such Houses as shall be destroyed or damaged by Fire, and also to surrender the Possession of and leave in repair the Houses erected and to be erected or rebuilt or repaired on the Premises therein comprised on the Expiration or other sooner Determination of the Term to be thereby granted, and within Twenty-one Days after any Assignment of such Lease shall be made to deliver a Copy of such Assignment to the Lessor or Reversioner for the Time being; and so as in every such Lease there be contained a Power for the Lessor or Reversioner for the Time being, and his or their Surveyors and Agents, to enter upon the Premises, and inspect the Condition thereof, and also a Proviso or Condition of Re-entry for Nonpayment of the Rent or Rents to be thereby reserved, or for Nonperformance of any of the Covenants, Provisoes, and Conditions to be therein contained, on the Part of the Lessee, his Executors, Administrators, or Assigns, and with or without a Proviso that no Breach of any of the Covenants, Provisoes, and Conditions to be therein contained (except the Covenant for Payment of the Rent, and other such Covenants, Provisoes, or Conditions, if any, as may be agreed between the Parties to be so excepted,) shall occasion any Forfeiture of such Lease, or of the Term thereby granted, or give any Right of Re-entry, unless or until Judgment shall have been obtained in an Action for such Breach of Covenant, nor unless the Damages and Costs to be recovered in such Action shall have remained unpaid for the Space of Three Calendar Months after Judgment shall have been obtained in such Action; and every such Lease may also contain any other Covenants, Provisoes, Conditions, Agreements, and Restrictions which shall appear reasonable to the Lessor for the Time being, and the Person or Persons whose Consent is hereby declared to be essential to the Validity of such Lease, and particularly any Provision for apportioning the Rent to be reserved by any Lease made under this Power, and for exonerating any Part of the Lands or Houses to be comprised in any such Lease from the Payment of any specified Portion of the whole Rent to be thereby reserved; and so that the respective Lessees execute Counterparts of their respective Leases.

Power to reserve increased Rent.

II. And be it enacted, That on every or any Building or Repairing Lease to be granted under the Authority of this Act it shall be lawful for the Corporation granting such Lease to reserve a small Rent, during the Six first Years of the Term thereby created, or during any of such Six first Years to be specified in that Behalf in such Lease, and to reserve, in addition to the Rent to be so reserved, an increased Rent or increased Rents, to become payable after the Expiration of such Six first Years, or after any of such Six Years to be specified in that Behalf in such Lease (as the Case may be), or otherwise to make any such increased Rent or Rents first payable at any Time not exceeding Six Years after the Commencement of the Term created by such Lease when a stipulated Progress shall have been made in the Buildings, Rebuildings, or Reparations in respect of the Erection, Construction, or Reparation of which the same Lease shall have been granted.

Land may be appropriated for Streets, Yards, &c.

III. And be it enacted, That it shall be lawful for any Corporation hereby empowered to grant Leases as aforesaid, with such Consent as is hereby declared to be requisite to the Validity of any Lease to be granted by such Corporation under the Provisions of this Act, to lay out and appropriate any Part or Parts of the Lands and Grounds which such Corporation shall be empowered or authorized to lease on Building or Repairing Leases, under the Provisions of this Act, as and for a Way or Ways, Yard or Yards, Garden or Gardens, to the Buildings erected or to be erected on any of the same Lands or Grounds, or on any of the adjoining Lands or Grounds so to be leased as aforesaid, or for Yards or Places necessary or convenient for carrying on any Manufacture or Trade, and also to appropriate any Part of the same Lands and Grounds as and for Ways, Streets, Squares, Avenues, Passages, Sewers, or otherwise for the general Improvement of the Estate, and the Accommodation of the Lessees, Tenants, and Occupiers thereof, in such Manner as shall be mentioned and agreed upon in any Lease to be granted as aforesaid, or in any general Deed to be executed for that Purpose (such general Deed, if any, to be duly executed by the Corporation

Corporation hereby authorized to make such Deed, and to be made with such Consent as last aforesaid, and to be enrolled in one of Her Majesty's Courts of Record at *Westminster* within Six Calendar Months from the Date of such Deed), and also by such Lease or general Deed to give such Privileges and other Easements as the Corporation herein-before authorized to grant such Lease or make such Deed shall, with such Consent as aforesaid, deem reasonable or convenient.

Ecclesiastical Corporations may lease running Water, and Waterleaves and Wayleaves.

IV. And be it enacted, That it shall be lawful for any Ecclesiastical Corporation, aggregate or sole, except as aforesaid, from Time to Time after the passing of this Act, with such Consent and under such Restrictions as are herein-after mentioned, by any Deed or Deeds duly executed, to grant by way of Lease unto any Person or Persons whomsoever, any Liberties, Licences, Powers, or Authorities to have, use, or take, either in common with or to the exclusion of any other Person or Persons, all or any of the Water flowing, or which shall or may flow or be made to flow, in, through, upon, or over any Lands, or Hereditaments belonging to such Corporation in his or their Corporate Capacity, or any Part or Parts thereof, (except as herein-after is mentioned,) and also any Wayleaves or Waterleaves, Canals, Watercourses, Tramroads, Railways, and other Ways, Paths, or Passages, either subterraneous or over the Surface of any Lands, Store Yards, Wharfs, or other like Easements or Privileges in, upon, out of, or over any Part or Parts of the Lands belonging to such Corporation, in his or their Corporate Capacity, (except as herein-after is mentioned,) for any Term or Number of Years not exceeding Sixty Years, to take effect in Possession, and not in Reversion or by way of future Interest, so as there be reserved on every such Grant by way of Lease as last aforesaid, payable half-yearly or oftener, during the Continuance of the Term of Years thereby created, the best yearly Rent or Rents, either in the Shape of a stated or fixed Sum of Money, or by way of Toll or otherwise, that can be reasonably had or gotten for the same, without taking any Fine, Premium, or Foregift, or any thing in the Nature of a Fine, Premium, or Foregift, for the making thereof (other than any Provision or Provisions which it may be deemed expedient to insert in any such Grant, rendering it obligatory on the Grantee or Lessee, or Grantees or Lessees, to repair or contribute to the Repair of any Roads or Ways, or to keep open or otherwise use, in any specified Manner, any Water or Watercourse to be comprised in or affected by any such Grant or Lease); and so as there be contained in every such Grant by way of Lease as last aforesaid a Condition or Power of Re-entry, or a Power to make void the same, in case the Rent thereby reserved or made payable, or any Part thereof, shall not be paid within some reasonable Time to be therein specified in that Behalf; and so as the respective Grantees or Lessees do execute Counterparts of the respective Grants or Leases, and generally that in and by each or any such Grant by way of Lease as last aforesaid there shall or may be reserved and contained any other Reservations, Covenants, Agreements, Provisoes, or Stipulations whatsoever not inconsistent with those hereby required to be reserved or contained in each such Grant by way of Lease which it shall be deemed expedient to introduce therein.

Power to confirm Leases voidable for Informality, and to accept Surrenders and grant new Leases or apportioned Leases.

V. And be it enacted, That it shall be lawful for any Corporation hereby empowered to grant Leases, from Time to Time, with such Consent as is hereby declared to be requisite to the Validity of any Lease to be granted by such Corporation under the Provisions of this Act, to confirm any Lease, Grant, or general Deed purporting to have been granted or made under the Authority of this Act, in any Case in which for some technical Error, Informality, or Irregularity in exercising the Powers of this Act such Lease, Grant, or Deed shall be voidable or questionable, or to accept an actual or virtual Surrender of any Lease or Grant which shall have been made and executed, or which shall purport to have been made and executed, by virtue of this Act; and so far as regards any Mines, Minerals, Quarries, or Beds, Watercourses, Ways, or other Easements, which may be comprised in any such surrendered Lease or Grant, with such Consent as aforesaid, to make any new Lease or Grant thereof in the same Manner, from Time to Time, as if the Powers of leasing herein contained had not been previously exercised; and so far as regards any Lands and Houses comprised in any such surrendered Lease which may have been granted for building or repairing Purposes, in any Case where, at the Time when such Surrender shall be accepted, One Fourth Part or more than One Fourth Part of the Term originally granted shall remain unexpired, with such Consent as aforesaid, to make a new Lease or several apportioned Leases of the Lands and Houses comprised in such surrendered Lease, for any Time not exceeding the then Residue of the Term granted, or mentioned or intended to be granted, by such surrendered Lease, and at a Rent or apportioned Rents equal in Amount to or exceeding the former Rent or Rents, yet so nevertheless that no one Rent shall be less than Forty Shillings, and so that the Rent to be reserved by any apportioned Lease shall in no Case exceed One Fifth Part of the Rack-rent Value of the Land to be comprised in such Lease, and of the Houses erected or to be erected thereon, when finished and fit for Habitation; and so far as regards any Lands and Houses comprised in any such surrendered Lease which may have been granted for building or repairing Purposes, in any Case where, at the Time when such Surrender shall be accepted, less than One Fourth Part of the Term originally granted shall remain unexpired, with such Consent as aforesaid, to make any new Lease or Grant thereof, in the same Manner, as far as may be applicable, as if the Powers of leasing herein contained had not been exercised; and so also that in the Case of the Confirmation of any Lease, or of the making of any new Lease or Grant, whether the same shall be a Lease of Houses for building or repairing Purposes, or a Lease or Grant of any Mines, Minerals, Quarries, or Beds, Watercourses, Ways, or other Easements, no Fine, Premium, or Foregift shall be accepted for making or giving any such Confirmation, or new Lease or Grant or apportioned Lease respectively, and so as the Lessee or Grantee, his Executors, Administrators, or Assigns, whose Lease or Grant shall be so confirmed, or to whom any such new or apportioned Lease shall be granted in lieu of any former Lease as aforesaid, do consent to accept such Confirmation, or new Lease or Grant, or apportioned Lease, and do execute a Counterpart thereof.

Mining Leases may be granted.

VI. And be it enacted, That it shall be lawful for any Ecclesiastical Corporation, aggregate or sole, except as aforesaid, from Time to Time, with the Consent or Consents hereby required, to grant or demise, by Lease, for any Term not exceeding Sixty Years, to take effect in Possession, and not in Reversion or by way of future Interest, any Mines, Minerals, Quarries, or Beds belonging to such Corporation, together with the Right of working or of opening and working the same, and of working any adjacent Mine by way of Outstroke or other under-ground Communication, and together also with such Portion of Land belonging to such Corporation, and all such Rights and Liberties of Way and Passage, and other Rights, Easements, and Facilities for the opening and working of all such Mines, Minerals, Quarries, or Beds, and leading and carrying away the Produce thereof, or otherwise incident to Mining Operations, as shall be deemed expedient; and every such Lease shall contain such Reservations by way of Rent, Royalty, or Share of the Produce in Kind, all or any thereof, or otherwise, and such Powers, Provisoes, Restrictions, and Covenants, as shall be approved by the Ecclesiastical Commissioners for *England*, due Regard being had to the Custom of the Country or District within which such Mines, Minerals, Quarries, or Beds are situate; and no Fine, Premium, or Foregift, nor any thing in the Nature thereof, shall be taken for or in respect of any such Lease.

Execution of a Lease by the necessary consenting Parties to be Evidence that the Requisites of this Act have been complied with.

VII. And be it enacted, That the Execution of any Lease, Grant, or general Deed by the Person or Corporation, or several Persons or Corporations, whose Consent is hereby made requisite to the Validity of such Lease or Grant or general Deed shall be conclusive Evidence that the several Matters and Things by this Act required to be done and performed previously to the granting or making of such Lease, Grant, or general Deed have been duly done and performed, and that the Property comprised in such Lease, Grant, or general Deed (as the Case may be) does not form any Part of the Property excepted out of the Powers of leasing conferred by this Act, and that the Rent reserved by such Lease (except an apportioned Lease or Grant) is the best Rent that could be reasonably obtained for the Property or Rights comprised in such Lease or Grant, and that no Fine, Premium, or Foregift, or any thing in the Nature thereof, hath been taken for or in respect of the granting or making of such Lease or Grant, and (in the Case of an apportioned Lease) that the Rent reserved by each such apportioned Lease does not exceed One Fifth Part of the Rack-rent Value of the Land comprised in such Lease and of the Houses erected or to be erected thereon, when fit for Habitation.

Act not to restrain existing Powers of leasing, except that after a Lease under this Act the Land shall not be leased except at Rack Rent.

VIII. And be it enacted, That nothing in this Act contained shall restrain any Corporation hereby empowered to grant Leases and make Grants as aforesaid from granting any Leases, or making any Grants, whether by way of Renewal or otherwise, which such Corporation might have lawfully and rightfully granted or made, either under the Provisions of any Public or Private Act of Parliament, or under any other Authority, or in any other Manner whatsoever, in case this Act had not been passed, or from taking any Fine, Premium, or Foregift from the Lessees in any renewed or new Leases named or to be named, or from their Under-lessees, or from any other Persons having or claiming an Interest in any such Renewal, for any such renewed or new Leases, save and except that in every Lease (other than any Lease granted under the Powers of this Act) which shall be granted by any such Corporation as aforesaid, of any Lands or Houses which shall have been leased for building or repairing Purposes under any of the Powers of this Act, there shall be reserved the best improved Rent, payable half-yearly or oftener, which can be obtained for the same, without taking any Fine, Premium, or Foregift, or any thing in the Nature of a Fine, Premium, or Foregift, for making or granting the same.

House of Residence, Garden, &c. not to be leased.

IX. Provided always, and be it enacted, That this Act shall not authorize the granting of a Lease, or the laying out or appropriating, for the Purposes in this Act mentioned, of the Palace or usual House of Residence of or belonging to any Archbishop or Bishop, or any other Corporation sole hereby empowered to grant Leases as aforesaid, or of or belonging to any Corporation aggregate or to any Member of any Corporation aggregate hereby authorized to grant Leases as aforesaid, or of any Offices, Outbuildings, Yards, Gardens, Orchards, or Pleasure Grounds to any such Palace or other House of Residence adjoining or appurtenant, and which may be necessary or convenient for actual Occupation with such Palace or other House of Residence, or the Grant or Lease of any Mines, Minerals, Quarries, or Beds, Watercourses, Ways, or other Easements, the Grant whereof may be prejudicial to the convenient Enjoyment of any such Palace or House of Residence, or the Pleasure Grounds belonging thereto, or the leasing for the Purposes aforesaid of any Lands which any such Corporation sole or aggregate, or any Member of any such Corporation aggregate, is expressly restrained from leasing by the Provisions of any Local or Private Act of Parliament now in force.

Improved Value of Episcopal Estates to be paid to Commissioners. 3&4 Vict. c. 113.

X. And be it enacted, That upon any Improvement in the annual Value of any See, by means of any Lease granted under this Act or otherwise, the annual Sum, if any, directed to be charged upon the Revenues of such See by any Order in Council, shall, by the Authority provided in an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, be forthwith directed to be increased to the Extent of such Improvement; or the annual Sum (if any) directed by any like Order to be paid to the Bishop of such See shall, by the like Authority, be forthwith directed to be reduced to the like Extent, or to be altogether annulled, if not exceeding such Improvement; and if such Improvement shall exceed the annual Sum so directed to be paid to such Bishop, or if no annual Sum shall have been directed to be paid by or to such Bishop, then a fixed annual Sum, equal to the Excess in the one Case, or to the whole of such Improvement in the other Case, shall, by the like Authority, be forthwith directed to be charged upon the Revenues of such See; and the increased or reduced or new Payment

(as the Case may be) shall take effect upon the Avoidance of the See next after such Improvement, and not sooner.

Improved Value of Chapter Property above a certain Amount to be paid to Commissioners. 4 & 5 Vict. c. 39.

XI. And be it enacted, That the Provisions of the said recited Act, and of an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for* England, under which Provisions the Incomes of the Deans and Canons of the Cathedral Church of *Saint Paul* in *London*, and of the Collegiate Churches of *Westminster* and *Manchester*, are to be so charged as to leave to such Deans and Canons the average annual Incomes respectively specified in the same Acts, shall be extended so as to apply to all other Deans and Canons of Cathedral and Collegiate Churches, (save and except the Dean and Canons of the Cathedral Church of *Christ* in *Oxford*,) whose annual Incomes shall be improved beyond the Amounts of such average annual Incomes respectively; and that upon any Improvement in the annual Revenues of any Cathedral or Collegiate Church, after the gazetting of any Order in Council for charging the Incomes of the Dean or Canons thereof, the Amount of the Charge created by such Order shall, by the Authority in the first-recited Act provided, be forthwith directed to be increased to the Extent of such Improvement: Provided always, that any Improvement in the annual Value of the Revenues of the Dean and Canons of the said Cathedral Church of *Christ* in *Oxford* by means of any Lease granted under the Provisions of this Act, and not otherwise, shall be subject to the Provisions of this Act affecting Deans and Canons of other Cathedral or Collegiate Churches: Provided also, that no Charge so created, nor any Increase of any such Charge, shall affect the Income of any Dean or Canon in possession at the Time of such Improvement.

Improved Value of Archdeaconries above a certain Amount to be paid to Commissioners.

XII. And be it enacted, That in the Case of any Archdeaconry the annual Value of which shall be improved by means of any Lease granted under this Act, it shall be lawful, by the Authority provided in the said first-recited Act, forthwith to direct that from and after the Vacancy of such Archdeaconry next following the Date of such Lease such Portion of the Rent, Royalty, or other Consideration reserved by such Lease as by the like Authority shall be deemed expedient shall be paid, and the same shall accordingly from Time to Time be paid to the Ecclesiastical Commissioners for *England*, and become and be subject to the Provisions of the same Act: Provided always, that the average annual Income of the Archdeacon shall not be thereby left at a less Sum than Five hundred Pounds.

Improved Value of Benefices above a certain Amount to be paid to Commissioners.

XIII. And be it enacted, That, in the Case of any Benefice the annual Value of which shall be improved by means of any Lease granted by the Incumbent thereof under this Act, it shall be lawful, by the Authority provided in the first-recited Act, at any Time within Three Years from the Date of such Lease, to direct that from and after the Vacancy of such Benefice next following such Date such Portion of the Rent, Royalty, or other Consideration reserved by such Lease as by the like Authority shall be deemed expedient shall be paid, and the same shall accordingly from Time to Time be paid to the said Ecclesiastical Commissioners for *England*, and shall be by them from Time to Time applied according to the Provisions of the same Act in making additional Provision for the Cure of Souls: Provided always, that Notice shall be given to the Patron or Patrons of such Benefice, of any Scheme affecting the same, Three Calendar Months previously to such Scheme being laid before Her Majesty in Council; and the Objections (if any) of such Patron or Patrons shall be laid before Her Majesty in Council together with such Scheme: Provided also, that the average annual Income of such Benefice shall not under this Provision be left at a less Sum than Six hundred Pounds if the Population thereof amount to Two thousand, nor at a less Sum than Five hundred Pounds if the Population thereof amount to One thousand, nor in any other Case at a less Sum than Three hundred Pounds: Provided also, that in making any such Provision for the Cure of Souls out of Rent, Royalty, or other Consideration reserved by any Lease as aforesaid, the Wants and Circumstances of the Places in which the Lands, Mines, Minerals, Quarries, or Beds demised by such Lease are situate shall be primarily considered.

Portion of improved Value under Mining Leases to be paid to Commissioners.

XIV. Provided always, and be it enacted, That in case of any Lease of Mines, Minerals, Quarries, or Beds granted under this Act such Portion of the improved Value accruing thereunder as by the like Authority shall be determined, not being more than Three Fourth Parts nor less than One Moiety of such improved Value, shall forthwith, and from Time to Time as the same shall accrue, be paid to the said Ecclesiastical Commissioners for *England*, and shall be subject to the Provisions relating to Monies payable to them; and the Remainder of such improved Value shall be deemed to be an Improvement within the Meaning of the Provisions relating to the Incomes of Archbishops and Bishops, Deans and Canons, Archdeacons, and Incumbents of Benefices respectively.

Powers of 3 & 4 Vict. c. 113. extended to this Act.

XV. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the first-recited Act with reference to the Matters therein contained, and all other the Provisions of the same Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

Leases under the Act may be made on the Surrender of the existing Leases.

XVI. And be it enacted, That any Lease or Leases may be granted under the Powers of this Act, on the Surrender of any existing Lease or Leases (which shall not have been granted under the Provisions of this Act), of all or any Part of the Premises proposed to be comprised in such new Lease or Leases, and may be granted either to the Person or Persons surrendering the existing Lease or Leases, or to any other Person or Persons whomsoever; and each Holder of any existing Lease or Leases granted otherwise than under the Provisions of this Act, of any Lands or Houses, or of any Mines, Minerals, Quarries,

or

or Beds, which, if not in Lease, would be capable of being leased under the Powers of this Act, is hereby authorized to surrender such Lease or Leases with a view to the granting of a new Lease or several new Leases thereof, or of any Part thereof, under the Powers of this Act, whether at the Time of making such Surrender the Period at which such existing Lease or Leases may be legally or accustomably renewable shall or shall not have arrived; and in the Case of any Lease granted under the Powers of this Act on the Surrender of any existing Lease or Leases as aforesaid, an adequate Deduction shall be made from the Rent, Royalty, or other Consideration to be reserved on the new Lease, in proportion to the Value of the Term or Interest which shall be surrendered as aforesaid in the Lands or Houses, Mines, Minerals, Quarries, or Beds, or any Part thereof respectively, comprised in such new Lease.

Not necessary to surrender Under-leases before the Grant of a Lease under this Act. 4 G.2. c.28. s.6.

XVII. And be it enacted, That whenever a Surrender shall be made of any existing Lease for the Purpose of taking a new Lease or new Leases by virtue of this Act, whether the existing Lease shall or shall not have been granted under the Provisions of this Act, the new Lease shall be deemed to be a Renewal of the surrendered Lease within the Scope and Meaning of the Sixth Section of an Act passed in the Fourth Year of the Reign of King *George* the Second, intituled *An Act for the more effectual preventing of Frauds committed by Tenants, and for the more easy Recovery of Rents and Renewal of Leases*, so far as to render unnecessary the Surrender of any Under-leases previously to the Grant of such new Lease, and to give full Effect to such new Lease in all respects, notwithstanding any Under-lease or Under-leases may not be surrendered: Provided that in any such Case as is herein contemplated, if any subsisting unsurrendered Under-lease shall contain any Covenant or Provision for the Renewal or Extension of the Interest conferred by such Under-lease on Payment by the Under-lessee of a proportionate Part of the Fines and Fees attending the Renewal of the chief Lease, the Under-lessee shall not compel a Renewal of the Under-lease under such Covenant, except upon the Terms of securing to the Under-lessor a Rent, Royalty, or other Consideration bearing the same Proportion to the whole Rent, Royalty, or other Consideration reserved to the Corporation exercising the Powers of this Act, upon the new Lease granted under this Act, as the Amount which upon any ordinary Renewal ought to have been paid by such Under-lessee of the Fines and Fees of or attending such Renewal, would have borne to the whole Amount of the Fines and Fees attending such Renewal.

Surveyor to make Maps, Valuation, &c. when a new Lease is intended.

XVIII. And be it enacted, That whenever any Lease or apportioned Leases, or Grant by way of Lease, is or are intended to be granted or made, or any Land or Ground is proposed to be laid out or appropriated, under the Authority of this Act, a competent Surveyor shall be appointed in Writing by the Ecclesiastical Commissioners for *England*, with the Consent of the Corporation proposing to grant such Lease or apportioned Leases, or make such Grant, or to lay out or appropriate such Land or Ground (as the Case may be); and such Surveyor shall make any such Report, Map, Plan, Statement, Valuation, or Certificate, as shall be deemed necessary, and be required by the said Commissioners or by such Corporation.

As to Dilapidations.

XIX. And be it enacted, That no Person being or having been an Ecclesiastical Corporation sole, nor the private Estate or Representatives of such Person, shall be liable to the Successor of such Corporation for or on account of any Dilapidations which shall occur in or about any Houses or Buildings belonging to such Corporation whilst the same shall be held under any Lease for building or repairing Purposes granted under the Powers of this Act.

Consents requisite to the Validity of Leases granted under this Act.

XX. And be it enacted, That each Lease or Grant to be granted or made under the Provisions of this Act shall be made with the Consent of the said Ecclesiastical Commissioners for *England*, and also with such further Consent as herein-after mentioned; (that is to say,) each Lease or Grant granted or made by any Incumbent of a Benefice, with the Consent of the Patron thereof; and each Lease or Grant by any Corporation, either aggregate or sole, under the Provisions of this Act, of any Lands or Houses, Mines, Minerals, Quarries, or Beds, of Copyhold or Customary Tenure, or of any Watercourses, Ways, or Easements in, upon, over, or under any such Lands, where the Copyhold or Customary Tenant thereof is not authorized to grant or make Leases or Grants for the Term of Years intended to be created by such Lease or Grant, without the Licence of the Lord of the Manor, shall be made with the Consent of the Lord for the Time being of the Manor of which the same Lands or Houses, Mines, Minerals, Quarries, or Beds, shall be holden, in addition to the other Consents hereby made requisite to the Validity of such Lease or Grant, and such Consent shall amount to a valid Licence to lease or grant the same Lands or Houses, Mines, Minerals, Quarries, or Beds, Watercourses, Ways, or Easements, (as the Case may be,) for the Time for which the same shall be expressed to be demised or granted by such Lease or Grant.

Consenting Parties to be Parties to the Deeds.

XXI. And be it enacted, That the Consent of each Person whose Consent is hereby required to any Deed to be made under the Authority of this Act shall be testified by such Person being made a Party to such Deed, and duly executing the same.

How Consent of Patron to be testified where Patronage in the Crown;

XXII. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice is hereby required, and the Patronage of such Benefice shall be in the Crown, the Consent or Concurrence of the Crown shall be testified in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the King's Books, the Instrument by which such Consent or Concurrence is to be testified shall be executed by the Lord High Treasurer or First Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the King's Books, such Instrument shall be executed by the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the Time being; and if such

Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster* such Instrument shall be executed by the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument by such Person or Persons shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

how where Patronage is attached to the Duchy of Cornwall;

XXIII. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice is hereby required, and the Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent or Concurrence of the Patron of such Benefice to the Exercise of such Power shall be testified in the Manner herein-after mentioned; (that is to say,) the Instrument by which such Consent or Concurrence is to be testified shall, whenever there shall be a Duke of *Cornwall* whether he be of full Age or otherwise, be under his Great or Privy Seal, or if there be no Duke of *Cornwall*, and such Benefice shall be in the Patronage of the Crown in right of the Duchy of *Cornwall*, such Instrument shall be executed by the same Person or Persons who is or are authorized to testify the Consent or Concurrence of the Crown; and such Instrument, being so sealed or executed, shall be deemed and taken, for the Purposes of this Act, to be an Execution by the Patron of the Benefice.

how where Patron or Lord of Manor is an incapacitated Person.

XXIV. And be it enacted, That in any Case in which the Consent or Concurrence of the Patron of any Benefice, or of the Lord for the Time being of any Manor, is hereby required, and the Patron of such Benefice, or the Lord for the Time being of such Manor, as the Case may be, shall be a Minor, Idiot, Lunatic, or Feme Covert, or beyond Seas, it shall be lawful for the Guardian, Committee, Husband, or Attorney, as the Case may be, of such Patron or Lord, but in case of a Feme Covert not being a Minor, Idiot, or Lunatic, or beyond the Seas, with her Consent in Writing, to execute the Instrument by which such Consent or Concurrence is to be testified, in testimony of the Consent or Concurrence of such Patron or Lord; and such Execution shall, for the Purposes of this Act, be deemed and taken to be an Execution by the Patron of the Benefice, or by the Lord of the Manor, as the Case may be.

Persons entitled to present on Vacancy shall be considered the Patron.

XXV. And be it enacted, That the Person or Persons, if not more than Two, or the Majority of the Persons if more than Two, or the Corporation, who or which would for the Time being be entitled to the Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, be considered to be the Patron thereof: Provided nevertheless, that in the Case of the Patronage being exercised alternately by different Patrons, the Person or Persons, if not more than Two, or the Majority of the Persons, if more than Two, or the Corporation, who or which would for the Time being be entitled to the second Turn or Right of Presentation to any Benefice if the same were then vacant, shall for the Purposes of this Act, jointly with the Person or Persons or Corporation entitled to the first Turn or Right of Presentation, be considered to be the Patron thereof.

Same Party may consent in more than One Character.

XXVI. And be it enacted, That in all Cases in which any Person shall sustain more than One or all of the Characters in which his Execution of or Consent to or Concurrence in any Deed or Act is required by this Act, such Person shall or may at any Time act in both or all of the Characters which he shall so sustain as aforesaid, and execute and do all or any of such Deeds and Acts as are hereby authorized to be executed and done, as effectually as different Persons, each sustaining One of those Characters, could execute and do the same.

Corporations aggregate to act by their Common Seal.

XXVII. And be it enacted, That in all Cases in which the Consent or Concurrence of any Corporation aggregate having a Common Seal shall be requisite to any Lease, Grant, Appointment of a Surveyor, or other Deed, Writing, or Instrument, to be made in pursuance and for the Purposes of this Act, the Consent or Concurrence of such Corporation shall be testified by the sealing of the Lease, Grant, Appointment, or other Deed, Writing, or Instrument with the Common Seal of such Corporation.

Act to extend to Lands held in Trust for Corporations.

XXVIII. And be it enacted, That whenever any Lands are or shall be vested in any Trustee or Trustees, in Trust or for the Benefit of any Corporation, aggregate or sole, hereby empowered to grant Leases as aforesaid, in such a Manner as that the net Income, or Three Fourth Parts at the least of the net Income, of such Lands is or shall be payable for the exclusive Benefit of such Corporation, all the Powers of this Act which, in case such Lands had been legally vested in such Corporation for the sole and exclusive Benefit of such Corporation, might have been exercised by such Corporation in relation to or affecting the same Lands, shall or may be exercised by such Corporation in the same or the like Manner as the same might have been exercised by such Corporation in case the same Lands were legally vested in such Corporation as aforesaid; but in order to give legal Effect to any Lease, Grant, Confirmation, or general Deed to be executed in relation to any such Lands in pursuance of this Act, the Trustee or Trustees of the Land intended to be affected thereby shall be made a Party or Parties to such Lease, Grant, Confirmation, or general Deed, (as the Case may be,) in addition to the other Parties whose Concurrence is hereby declared to be requisite to any such Deed, and shall join in the Demise, Grant, Confirmation, or Appropriation intended to be thereby made; and the Trustee or Trustees of any such Lands is and are hereby directed and required at all Times to execute any Deed to which he or they may be made a Party or Parties, with a view to give legal Effect to any such Lease, Grant, general Deed, or Confirmation as aforesaid, so soon as the same may be tendered to him or them for Execution after the same shall have been duly executed by the Corporation beneficially entitled to such Lands as aforesaid; and the Person or Corporation, or several Persons or Corporations, whose Consent is hereby declared to be requisite to the Validity of any Lease granted by any such Corporation, and the Fact that any such Deed is executed by the other Parties whose Execution shall be necessary to give Effect to the same shall be a sufficient Authority for the Execution thereof by the Trustee or Trustees of the same

Lands,

Lands, and it shall not at any Time afterwards be necessary for such Trustee or Trustees or for any other Person or Persons to prove that such Deed was executed by such other Parties, or any of them, prior to the Execution thereof by such Trustee or Trustees; provided that no Trustee shall by virtue of or under this Provision be compellable to execute any Deed whereby he shall render himself in any way liable, further than by a Covenant for quiet Enjoyment by any Lessee or Grantee as against the Acts of the Trustee executing such Deed.

Counterparts of Leases and certain other Instruments to be deposited, and to be open to Inspection; and Office Copies to be Evidence.

XXIX. And be it enacted, That the Part which shall belong to any Corporation exercising any of the Powers conferred by this Act of any Lease, Grant, or Confirmation which shall be granted or made under the Authority of this Act, and every Map, Plan, Statement, Certificate, Valuation, and Report relating thereto, shall, within Six Calendar Months next after the Date of such Lease, Grant, apportioned Lease, Confirmation, or general Deed, (as the Case may be,) be deposited with the said Ecclesiastical Commissioners for *England*, and shall be for ever thereafter perpetually kept and preserved in the Office of the said Commissioners, who shall, upon any such Deposit being so made, give unto the Corporation by or on behalf of whom such Deposit shall have been made a Certificate of such Deposit; and any Instruments or Documents which may have been deposited as aforesaid shall be produced at all proper and usual Hours, at such Office, to the Corporation to whose Lands or Estate the same relate, or to the Patron of the Benefice, or to any Person or Persons applying to inspect the same on behalf of any such Person or Corporation as aforesaid; and an Office Copy of any such Instrument or Document, certified under the Seal of the said Commissioners, (and which Office Copy so certified the said Commissioners shall in all Cases, upon Application in that Behalf, give to any Corporation or Person to whom such Liberty of Inspection is given as aforesaid,) shall in any Action against the Lessee, and in all other Cases, be admitted and allowed in all Courts whatsoever as legal Evidence of the Contents of such Instrument or Document, and of the due Execution thereof, by the Parties who on the Face of such Office Copy shall appear to have executed the same, and in the Case of any Lease, Grant, or Confirmation, of the due Execution by the Lessee of the Counterpart thereof.

Lease to be void if any Fine or Premium paid.

XXX. And be it enacted, That if, in the Case of any Lease, Grant, or Confirmation granted or made under this Act, any Fine, Premium, or Foregift, or any thing in the Nature thereof, shall directly or indirectly have been paid or given by or on behalf of the Lessee or Grantee, and taken or received by the Lessor or Grantor, such Lease, Grant, or Confirmation shall be absolutely void.

Interpretation of Act.

XXXI. And be it enacted, That in the Construction and for the Purposes of this Act the several following Words shall have the Meanings herein-after assigned to them respectively, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Person." The Word "Person" shall be construed to include the Queen's Majesty, and any Corporation, aggregate or sole, as well as a private Individual:

"Lands." The Word "Lands" shall be construed to include Lands of any Tenure, whether the same shall or shall not have any Houses or other Erections or Buildings thereon:

"Houses." The Word "Houses" shall be construed to include all Erections and Buildings whatsoever, whether for Residence or for commercial or any other Purposes:

"Benefice." The Word "Benefice" shall be construed to comprehend every Rectory, with or without Cure of Souls, Vicarage, Perpetual Curacy, Donative, endowed Public Chapel, Parochial Chapelry, and District Chapelry, the Incumbent or Holder of which in right thereof shall be a Corporation sole:

Number. And every Word importing the Singular Number shall extend and be applied to several Persons or Parties as well as one Person or Party, and several Things as well as one Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Party or Thing as well as several Persons or Parties or Things:

Gender. And every Word importing the Masculine Gender shall extend and be applied to a Female as well as Male.

Extent of Act.

XXXII. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

Act may be amended, &c.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CIX.

An Act for the Appointment and Payment of Parish Constables. [12th *August* 1842.]

'WHEREAS it will increase the Security of Persons and Property if further Provision be made for the Appointment of fit Persons to act as Constables in the several Parishes of *England*, and if Power be given to pay them for the Performance of their Duties;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the Expiration of Eighty Days and before the Expiration of One hundred Days next after the passing of this Act, and on some Day after the Twenty-fourth Day of *March* and before the Ninth Day of *April* in each following Year, the Justices of the Peace of every County in *England* shall hold a Special Petty Session of the Peace in their several Divisions for the Appointment of Parochial Constables, of which Session due Notice shall be given to every Justice usually acting in that Division.

Justices to hold Special Sessions for appointing Constables.

II. And

Justices to issue Precepts to Overseers, requiring Lists of Men qualified to serve as Constables.

II. And be it enacted, That the Justices shall, within Thirty Days next after the passing of this Act, and within the first Seven Days of *February* in each following Year, issue a Precept, under the Hands of any Two of them, to the Overseers of each Parish within the Division, requiring them to make out and return, within Eighty Days next after the passing of this Act and before the Twenty-fourth Day of *March* in each following Year, a List in Writing of a competent Number of Men within their respective Parishes qualified and liable to serve as Constables, and also to perform all other Requisitions in the said Precepts contained; and with the said Precept shall be given Notice to the said Overseers of the Time and Place where such Special Session of the Peace as aforesaid will be holden.

Overseers to make out Lists of Persons qualified to serve.

III. And be it enacted, That the Overseers of every Parish, upon the Receipt of such Precept, shall summon a Meeting of the Inhabitants in Vestry to be holden within Fourteen Days after the Receipt of the said Precept; and the Vestry at such Meeting shall make out a List in Writing of such Number as shall be named in the Precept of Men residing within their Parish who shall be qualified and liable to serve as Constables, with the Christian Name and Surname, and with the true Place of Abode, the Title, Quality, Calling, or Business of each, written at full Length: Provided also, that it shall be lawful for the Vestry to annex to the said Return the Names of any Number of Men willing to serve the Office of Constable, and whom the Vestry will recommend to be appointed, although not having the Qualification herein-after mentioned.

Small Parishes and Extra-parochial Places may be annexed to any adjoining Parish.

IV. And be it enacted, That it shall be lawful for the Justices at a Special Petty Session of the Peace to be holden for that Purpose, at any convenient Time before the issuing of such Precept as aforesaid (of which last-mentioned Session due Notice shall be given to every Justice usually acting within the Division), to make an Order for uniting any Parish or Parishes, whenever they shall think it expedient, to any Parish adjoining thereto, or for the annexing of any Extra-parochial Places to any Parish adjoining thereto for the Purposes of the Act; and a Copy of such Order shall be served on the Overseers of every Parish so united, and also on the Overseers of such adjoining Parish and every such Extra-parochial Place so annexed, with the Precept herein-before mentioned; and every such Parish or Extra-parochial Place so united to any adjoining Parish shall thenceforward be deemed, for all the Purposes of this Act, to be a Part of such adjoining Parish; and the Inhabitants thereof shall be entitled to attend and vote at any Meeting in Vestry for the Purposes of this Act of the Inhabitants of the Parish to which such Parish is united as fully as if they were Inhabitants of the Parish where such Meeting is holden.

Who qualified to be Constables.

V. And be it enacted, That every able-bodied Man resident within the said Parish, between the Ages of Twenty-five Years and Fifty-five Years, rated to the Relief of the Poor, or to the County Rate, on any Tenements of the net yearly Value of Four Pounds or upwards, except such Persons as shall be exempt or disqualified as herein-after mentioned, shall be qualified and liable to serve as Constable of that Parish.

Exemption from serving as Constables.

VI. And be it enacted, That all Peers; all Members returned to serve in the Commons House of Parliament; all Judges of Her Majesty's Courts of Record at *Westminster*; all Justices of the Peace; all Deputy Lieutenants; all Clergymen in Holy Orders; all Priests of the Roman Catholic Faith who shall have duly taken and subscribed the Oaths and Declarations required by Law; all Persons who shall teach or preach in any Congregation of Protestant Dissenters, whose Place of Meeting is duly registered, and who shall follow no secular Occupation, except that of a Schoolmaster, producing a Certificate of some Justice of the Peace of their having taken the Oaths and subscribed the Declaration required by Law; all Schoolmasters; all Serjeants and Barristers at Law actually practising; all Members of the Society of Doctors of Law and Advocates of the Civil Law actually practising; all Attornies, Solicitors, and Proctors duly admitted in any Court of Law or Equity, or of Ecclesiastical or Admiralty Jurisdiction, in which Attornies, Solicitors, and Proctors have usually been admitted, actually practising, and having duly taken out their annual Certificates; all Conveyancers and Special Pleaders below the Bar; all Officers of any such Courts actually exercising the Duties of their respective Offices; all Coroners, Gaolers, and Keepers of Houses of Correction; all Members and Licentiates of the Royal College of Physicians in *London*, actually practising; all Surgeons, being Members of one of the Royal Colleges of Surgeons in *London*, *Edinburgh*, or *Dublin*, and actually practising; all Apothecaries, having obtained a Certificate to practise as an Apothecary from the Master, Wardens, and Society of Apothecaries of the City of *London*, and actually practising; all Officers in Her Majesty's Navy or Army on Full Pay; all Persons enrolled and serving in any Corps of Yeomanry under Officers having Commissions from Her Majesty, or Lieutenants of Counties, or others specially authorized by Her Majesty for that Purpose; all Pilots licensed by the *Trinity House* of *Deptford Strond*, *Kingston-upon-Hull*, or *Newcastle-upon-Tyne*, and all Masters of Vessels in the Buoy and Light Service employed by either of those Corporations; and all Pilots licensed by the Lord Warden of the Cinque Ports, or under any Act of Parliament or Charter for the Regulation of Pilots in any other Port; all the Household Servants of Her Majesty; all Officers of Customs and Excise; all Sheriffs and Sheriffs Officers; all High Constables; the Clerks of all Boards of Guardians of the Poor, established under the Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*; the Masters of all Union Workhouses; all County or District Constables all Parish Clerks; all Registrars and Superintendent Registrars of Births, Deaths, and Marriages; all Churchwardens, Overseers, and Relieving Officers, shall be freed and exempt from serving the Office of Constable under this Act.

Disqualification from serving as Constables.

VII. And be it enacted, That all Licensed Victuallers and Persons licensed to deal in any exciseable Liquors or to sell Beer by Retail, all Gamekeepers, and all Persons who have been attainted of any Treason or Felony, or convicted of any infamous Crime, shall be disqualified from serving the Office of Constable under this Act.

VIII. And

Lists to be fixed on Church Doors, and also kept by Overseers for Inspection.

VIII. And be it enacted, That the Overseers of each Parish shall make out true Copies of the List so agreed to in Vestry; and where any of the Persons named in the said List shall have been chosen to serve, and shall have served, the Office of Constable in the said Parish, in Person or by Substitute, the Overseers shall set against his Name in the List the Date of the Year of such Service, and shall on the Three *Sundays* next before the Day limited for making their Return in this Year, and on the first Three *Sundays* in the Month of *March* in each following Year, fix a true Copy of such List upon the principal Door of every Church, Chapel, and other public Place of religious Worship within their Parish, having first subjoined to every such Copy a Notice, stating that all Objections to the List will be heard by the Justices of the Peace at a Time and Place to be mentioned in such Notice, and having also signed their Names at the Foot of such Copy, and shall likewise keep the original List, or a true Copy thereof, to be perused by any of the Inhabitants of their Parish at any reasonable Time during the Three Weeks next before the Day limited for making their Return in this Year, and during the first Three Weeks of the Month of *March* in each following Year, without any Fee or Reward, and on or before the Day limited for making their Return shall sign and return the original List to the Justices as required by the Precept.

Penalty on Overseers for neglecting or making false Returns.

IX. And be it enacted, That every Overseer who shall neglect or refuse to sign and return such List, or to make out, sign, and publish such true Copies as aforesaid, or who shall knowingly leave out the Name of any Person who ought to be included therein, or who shall knowingly make a false Return of any Particular which ought to be comprised therein, shall, upon Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence a Sum not more than Five Pounds.

Overseers to attend the Special Session.

X. And be it enacted, That the Overseers of each Parish shall attend the Special Session of the Peace to be holden for the Appointment of Constables in their Parish, and shall then and there verify the List so returned by them, and shall answer on Oath such Questions touching the same as shall be put to them, or any of them, by the Justices then present; and if any Man not qualified and liable to serve as Constable as aforesaid is inserted in any such List, it shall be lawful for the said Justices, upon being satisfied by the Oath of the Party complaining, or upon other Proof, or upon their own Knowledge, that he is not qualified and liable to serve as Constable, to strike his Name out of such List, and also to strike thereout the Names of Men disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other Infirmity of Body, from serving as Constable; and when every such List shall be duly corrected at such Session, or at such Adjournment thereof, it shall be allowed by the Justices present, or Two of them at such Session, or such Adjournment, who shall sign the same, with their Allowance thereof.

Justices to choose Constables.

XI. And be it enacted, That when any List shall have been allowed the Justices shall choose from the allowed List the Names of such Number of Persons as they shall deem necessary (having regard to the Extent and Population of the Parish) to act as Constables within the Parish during the Year then next following, and until other Constables shall be chosen and sworn to act in their Stead as Constables for such Parish: Provided always, that where any Person shall have been chosen to serve, and shall have served, the Office of Constable, either in Person or by Substitute, as herein-after provided, he shall not be liable to be again chosen until every other Person in the Parish liable and qualified to serve shall have also served the Office of Constable, either in Person or by Substitute.

Constables to be sworn.

XII. And be it enacted, That the Justices shall cause the Persons so chosen to be summoned to appear before them on a Day to be fixed by such Justices, and shall cause to be administered to every such Person the following Oath; (that is to say,)

'I *A. B.* of *C.* do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Constable for the Parish of *D.* [*or* Parishes of *D. E.*, *&c.*] for the Year now next following, or until another Constable shall be sworn in my Stead, according to the best of my Skill and Knowledge.

'So help me GOD.'

Substitutes may be allowed.

Provided always, that if any qualified Person chosen as aforesaid shall be unwilling to serve the Office of Constable in Person, and shall find a Substitute, to be approved by the Justices, and willing to serve for him, the Person so chosen and willing to serve shall attend with his proposed Substitute at the Time and Place appointed for swearing in Constables; and the Justices, if they shall approve of such proposed Substitute, shall cause the Oath to be administered to him, instead of the Person so chosen and unwilling to serve; but the Service of any Person as Substitute for another Person shall not be reckoned as his own Service, so as to exempt him from being sooner chosen to serve in his own Person than otherwise he would have been liable to.

Penalty for refusing to act, or to find a Substitute.

XIII. And be it enacted, That every Person qualified and liable to serve, and who shall be chosen by the Justices to serve, the Office of Constable, and shall be duly summoned to be sworn, and to take upon him the said Office, and who shall refuse, or, without reasonable Cause, to be allowed by the said Justices, neglect to attend and to be sworn as Constable, or to find a qualified Substitute to be sworn in his Stead, shall, upon Conviction thereof before Two Justices, forfeit and pay any Sum not more than Ten Pounds; and every Person who, after being sworn as Constable, shall refuse or wilfully neglect to act in the Execution of his Office, shall, upon Conviction thereof before Two Justices, forfeit and pay for every such Offence any Sum not more than Five Pounds.

List of Constables appointed in the Division to be published; and Parish

XIV. And be it enacted, That within Fourteen Days after the Appointment and swearing of such Constables, the Clerk to the Justices shall send to every Justice usually acting within the Division, and also to the Clerk of the Peace, for the Purpose of being laid before the next Court of General or Quarter Sessions, a List containing the Names of all Constables so appointed in the Division, and the Parishes for

Lists to be affixed to the Church Doors.

for which they have been appointed; and the Overseers of the Poor shall affix to the Door of their respective Parish Churches a List of the Names of the Constables appointed in their respective Parishes.

Power of the Constables.

XV. And be it enacted, That the said Constables shall have within the whole County, and also within all Liberties and Franchises, and detached Parts of other Counties situated therein, and also in every County adjoining to the County in which they are appointed, all the Powers, Privileges, and Immunities and shall be liable to all the Duties and Responsibilities, of a Constable within his Constablewick, but shall not be bound to act as a Constable beyond the Parish for which they are severally appointed and sworn, without the special Warrant of a Justice of the Peace: Provided always, that in those Counties in which any Chief Constable or Superintendent shall have been appointed under the Authority of an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace*, or of any Act passed for the Amendment thereof, the Constables appointed under this Act for any Parish within the District for which such Chief Constable or Superintendent shall have been appointed shall be subject to the Authority of such Chief Constable or Superintendent.

2 & 3 Vict. c. 93.

Provision in case of Vacancy.

XVI. And be it enacted, That in case of the Death or Disqualification of any Constable during his Year of Office, of which the Overseers shall forthwith give Notice to a Justice of the Peace usually acting for the Division, or in case any Person who shall have been chosen Constable shall refuse or neglect as aforesaid to attend and be sworn, or to find a qualified Substitute to be sworn in his Stead, and shall have been fined for such Refusal or Neglect, the Person who has last served, and shall not then be disqualified or exempt, shall be bound to act in his Stead until another Constable shall be appointed and sworn to act for the Remainder of the Year, which shall be done at the next Petty Session of the Peace for the Division, of which Notice shall be given to all the Justices usually acting for the Division; and in case the Constable making the Vacancy was serving as Substitute for some other Person, the Justices shall summon the Person originally chosen to attend and be sworn, or to find another Substitute duly qualified to serve for the Remainder of the Year; or if the Person originally chosen shall be then disqualified, or shall have refused or neglected as aforesaid to attend and be sworn, or to find a Substitute, or if the Constable making the Vacancy was serving after having been chosen, and not as a Substitute, the Justices at such Session shall choose another qualified Person, out of the allowed List then in force, to serve the Office of Constable during the Remainder of the Year, and shall proceed in all respects as in the original Appointment of Constables for that Year, and the Person so chosen shall be bound in like Manner, and subject to the same Penalty, to attend and be sworn, or to find a Substitute to be sworn in his Stead to serve for the Remainder of the Year; and if less than Two hundred Days shall have elapsed since the first Appointment of Constables for that Year, but not otherwise, the Service of the Person appointed to act for the Remainder of the Year shall be reckoned to him as Service for that Year; and in the first Year after the passing of this Act the Justices at the Time of first choosing Constables shall also choose Substitutes to serve in case of Vacancies during the Year of Office until another Appointment shall be made.

Fees and Allowances.

XVII. And be it enacted, That the Justices of the County in General or Quarter Session assembled shall from Time to Time, subject to the Approval of One of Her Majesty's Principal Secretaries of State, settle Tables of Fees and Allowances to the Clerks to the Justices for the Performance of their Duties under this Act, and to the Constables for the Service of Summons and Execution of Warrants, and for the Performance of such other occasional Duties which may be required of the said Constables, for which the said Justices shall think that Fees ought to be allowed; and whenever any Duty for which any such Fee or Allowance shall have been settled, and for which the Payment is not by Law charged upon the County Rates shall have been performed by any Clerk or by any Constable appointed under this Act, the Amount of the Fee or Allowance shall be paid by the Overseers of the Parish in respect of which such Fee has become payable out of any Monies in their Hands collected for the Relief of the Poor, upon the Order of the Justices in Petty Session assembled for the Division, and under such Regulations as shall be made from Time to Time by the Justices in General or Quarter Session assembled, subject to the Approval of the Secretary of State.

A Vestry may resolve to have paid Constables.

XVIII. And be it enacted, That it shall be lawful for the Vestry assembled for the Purpose of making such Return as aforesaid to resolve that One or more paid Constables shall be appointed for their Parish; and if the Vestry shall so resolve, a Copy of the Resolution, and of the Amount of Salary which the Vestry shall resolve on paying to such Constable or Constables, shall be sent by the Overseers to the Justices, with the Return herein-before mentioned.

Justices to appoint paid Constables.

XIX. And be it enacted, That the Justices at the Session of the Peace holden for the Appointment of Constables, upon receiving from any Parish a Copy of any such Resolution as aforesaid, if they shall be satisfied with the Amount of Salary agreed to be paid, shall appoint so many paid Constables to act for that Parish as shall be agreed to by the Resolution, or if the same Resolution shall have been agreed to by more Parishes than one adjoining each other, may, if they shall think fit, appoint the same paid Constables to act conjointly for all such last-mentioned Parishes; and in every Parish in which a paid Constable shall be appointed under this Act the Justices, if they shall think fit, need not appoint any unpaid Constable, or may appoint a smaller Number of unpaid Constables than they had otherwise resolved on appointing for that Parish; and every paid Constable shall hold his Appointment until he shall resign or be dismissed for Misconduct by the Justices of the Division in Petty Session assembled, or until the Vestry shall rescind the Resolution for his Appointment at any Meeting of Vestry holden for making such Return as aforesaid.

In such Cases none other needed.

Tenure of Appointment.

XX. And

Salary out of Poor Rate.

XX. And be it enacted, That the Amount of the Salary to every such paid Constable shall be paid by the Overseers out of any Monies in their Hands collected for the Relief of the Poor.

Constables not to be appointed in Courts Leet.

XXI. And be it enacted, That after the passing of this Act no Petty Constable, Headborough, Borsholder, Tithingman, or Peace Officer of the like Description under any Name of Office, shall be appointed for any Parish, Township, or Vill within the Limits of this Act, except for the Performance of Duties unconnected with the Preservation of the Peace or with the Execution of this Act, at any Court Leet or Torn, or otherwise than under the Provisions of this Act, or under the Provisions of the said Act of the Third Year of the Reign of Her present Majesty, or of some Act passed for the Amendment thereof; but nothing herein contained shall be taken to prevent the Appointment of Special Constables, or to apply to the City of *London* or the Metropolitan Police District, or to any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that Act, or of any Act made for the Amendment thereof, or to any Parish, Town, or Place in which Rates are or shall be levied for the Payment of Constables under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, making Provision for the lighting and watching of Parishes in *England* and *Wales*, or of any Local Act specially applying to such Parish, Town, or Place, and that nothing herein-before contained shall be taken to apply to the County Palatine of *Chester*.

5 & 6 W. 4. c. 76.

3 & 4 W. 4. c. 90.

Lock-up Houses and Strong Rooms to be provided.

XXII. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, if they shall think fit, to order that Lock-up Houses for the temporary Confinement of Persons taken into Custody by any Constable, and not yet committed for Trial, or in Execution of any Sentence, shall be provided in such Places within their County as the said Justices shall think fit; and for that Purpose to purchase and hold Lands and Tenements, or to appropriate to that Purpose any Lands and Tenements belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation; or, instead of providing new Lock-up Houses, to order that the Lock-up Houses, Strong Rooms, or Cages belonging to any Parish be appropriated for the Purpose of this Act, and if necessary be enlarged or improved; and the Expence of building, hiring, or otherwise providing, repairing, and furnishing such Lock-up Houses shall be defrayed out of the County Rates: Provided always, that Notice of the Day and Hour at which any Business relates to providing, enlarging, or improving any such Lock-up House will begin at such Session shall be given by the Clerk of the Peace, with the Notice of holding the Session on the Requisition of any Five Justices acting for such County; and that no such Lock-up House shall be built or otherwise provided, enlarged, or improved, except upon such Plan as shall be approved by one of Her Majesty's Principal Secretaries of State: Provided also, that every such Lock-up House shall be within the Inspection of the Inspectors of Prisons.

Superintendents to be appointed.

XXIII. And be it enacted, That whenever the Justices shall have provided a Lock-up House under this Act, they shall also appoint a superintending Constable to have the Charge thereof, who shall have all the Powers and Immunities of a Parish Constable under this Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be ordered by the said Justices, and under such Regulations as they shall make; and every such superintending Constable shall be entitled to hold his Office until dismissed by the Justices in General or Quarter Session assembled, and shall receive such Salary out of the County Rates as the Justices assembled as aforesaid shall order.

Recovery of Penalties,

XXIV. And be it enacted, That all Penalties herein made payable on Conviction of any Offender before Two Justices of the Peace may be levied, in case of Nonpayment thereof, with the Costs and Charges attending such Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of any Justice of the Peace of the County, Riding, or Place wherein such Conviction shall have taken place, with the reasonable Costs of such Distress and Sale; and the Overplus, if any, shall be returned to the Party whose Goods and Chattels shall have been distrained.

Application of Penalties.

XXV. And be it enacted, That all Penalties levied under this Act shall be applied in aid of the Poor Rates of the Parish in which the Offence shall have been committed for which such Penalties shall be levied.

Interpretation of Act.

XXVI. And be it enacted, That in this Act the Word "County" shall be taken to extend to every Riding or Division of a County for which there is a separate Court of General or Quarter Sessions of Peace; and the Word "Parish" shall be taken to extend to every Township or other District maintaining its own Poor, and also to every Extra-parochial Place which shall not be annexed to an adjoining Parish, for which Places the Justices in Petty Sessions assembled shall be empowered to appoint Persons to act as Overseers; and the Word "Overseers" shall be taken to extend to all Persons charged with collecting Rates for the Relief of the Poor in any Parish, and in Extra-parochial Places not added to any adjoining Parish, to the Persons appointed by the Justices as aforesaid.

Act may be amended, &c.

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CX.

An Act to annex the County of the City of *Coventry* to *Warwickshire*, and to define the Boundary of the City of *Coventry*. [12th *August* 1842.]

'WHEREAS certain Parishes and Places heretofore Part of the County of the City of *Coventry* are now detached from the said County, and form Part of the County of *Warwick*: And whereas by reason of the Doubts which now prevail respecting the Boundary of the said City and County the Administration of Justice is greatly impeded, and it is expedient that the whole of the City and County of the said City should be within and form Part of the County of *Warwick*, and that the Boundary of the said City should be better defined;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Charter or Letters Patent granted by King *Henry* the Sixth to the Mayor, Bailiffs, and Commonalty of the City or Town of *Coventry*, bearing Date at *Westminster* the Twenty-sixth Day of *November* in the Thirtieth Year of the Reign of King *Henry* the Sixth, for separating the County of the City of *Coventry* from the County of *Warwick*, shall be taken to be annulled and of none Effect after the Ninth Day of *November* in the Year One thousand eight hundred and forty-two, and that the City and County of the City of *Coventry* shall thenceforth be taken to be in all respects Part of the County of *Warwick*, and within the Hundred of *Knightlow*, and until the said Ninth Day of *November* the County of the City of *Coventry* shall be conterminous with the City of *Coventry* as herein-after described: Provided always, that, if Her Majesty shall be so pleased, a separate Commission of the Peace shall continue to be granted to the City of *Coventry*, and that the Persons named in such Commission shall have exclusive Jurisdiction within the said City as herein-after bounded and described, except for the Purposes herein-after mentioned, and that so long as any such separate Commission shall be in force the Justices of the County of *Warwick* shall not have Jurisdiction within the said City, except for the Purposes of making and levying and enforcing Payment of the County Rates, for the Committal, Trial, and Judgment of Prisoners, and other Business connected with holding the Court of Quarter Sessions of the Peace as herein-after mentioned, and for the Management of the Gaol: Provided also, that no Part of the Hundred of *Knightlow*, except the City of *Coventry*, shall be liable to the Payment of any Sum of Money or Expences for any Damages which shall be incurred in consequence of any Riot within the said City, and that the said City shall not be liable to the Payment of any Sum of Money or Expences for any Damages which shall be incurred in consequence of any Riot within the Hundred of *Knightlow* beyond the Boundaries of the said City; and whenever any Damages shall be assessed upon the said City, occasioned by any Riot therein, it shall be lawful for the Mayor, Aldermen, and Burgesses of the said City, by their Council, to make a special Borough Rate for the Purpose of enabling them to defray such Damages.

County of the City of Coventry re-annexed to Warwickshire.

II. And be it enacted, That from and after the said Ninth Day of *November* the Gaol and House of Correction belonging to the City of *Coventry* shall become and be a Common Gaol and House of Correction for the County of *Warwick*, and shall be under the Control and Management of the Justices of the County of *Warwick*, and all Laws and Enactments in force with respect to a County Gaol and House of Correction respectively shall be in force with respect to the said Gaol and House of Correction; and all Persons who shall be imprisoned in such Gaol on the said Ninth Day of *November*, or who shall be committed thereto after the said Ninth Day of *November*, shall be there in the Custody of the Sheriff of the County of *Warwick*, and the Sheriff shall appoint and may remove the Keeper of such Gaol.

Coventry Gaol to become a County Gaol for Warwickshire.

III. And be it enacted, That so much of the Monies borrowed upon the Credit of the Rates of the County of the City of *Coventry*, for building the said Gaol and House of Correction, as shall remain due and unsatisfied at the Time of the passing of this Act, and the Interest accruing due thereon, shall become and be a Charge upon the Borough Rates of the City of *Coventry*, and all Securities given for securing such Monies upon the Credit of the Rates of the County of the City of *Coventry* shall stand good to secure Payment of the same Monies upon the Credit of the said Borough Rates; and that it shall be lawful for the Mayor, Aldermen, and Burgesses of the said City, by their Council, if the said Council shall think fit, to borrow, on Mortgage of the Borough Rates, such Sum of Money as shall be needed for Payment of the Residue of the Debt aforesaid, in like Manner as if such Sum were borrowed for building a Gaol; and all the Provisions of any Act in force with respect to Monies borrowed for building a Gaol shall apply to the Monies borrowed for the Purpose of paying off the Residue of the said Debt, so that Repayment of the whole of the Sum borrowed as last aforesaid shall be made within Thirty Years from the Time of borrowing the same.

For securing Payment of the Debt on the Gaol.

IV. And be it enacted, That the Treasurer of the County of *Warwick* shall pay to the Treasurer of the City of *Coventry*, out of any Monies in his Hands as such Treasurer, such Sum as the Commissioners of Her Majesty's Treasury, within Six Calendar Months next after the passing of this Act, or such further Time to which the said Commissioners from Time to Time shall extend the Time for making their Award, shall determine to be the fair Value of the said Gaol and House of Correction, and of the Court House and other Buildings connected therewith; and Payment of such Sum shall be made at such Times and in such Manner as the said Commissioners shall direct, and the said Sum, when paid, shall form Part of the Borough Fund.

Payment to the Corporation.

V. And be it enacted, That nothing in this Act contained shall be construed to affect the Liability of the Parishes of *Foleshill*, *Exhall*, *Ansty*, *Stoke*, *Stivichall*, *Wyken*, and *Sowe*, and the Hamlet of *Keresley*,

For settling the Gaol Debt.

or any of them, to the Payment of their Proportion of any Money paid by Order of the Council of the City of *Coventry* in discharge of the Principal or Interest of the Debt incurred for building the Gaol of *Coventry* to which the said Parishes and Hamlet have not contributed, and that the Commissioners of Her Majesty's Treasury shall ascertain and determine the Amounts due on that Account by the said Parishes and Hamlet respectively, and shall direct at what Times and in what Manner the same shall be paid, and their Determination shall be final and conclusive on all Parties.

Power to borrow Money.

VI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the City of *Coventry*, by their Council, to borrow any Sum of Money not exceeding the Sum of Five thousand Pounds Sterling towards defraying the Expences which have been incurred by them in litigating the Boundary of the City of *Coventry* before the passing of this Act, and to charge the Repayment thereof, with Interest, upon the Borough Fund, so that the whole of the Sum borrowed under this Act, and the Interest accruing due from Time to Time, shall be repaid within Twenty Years from the Time of borrowing the same, and also from Time to Time to make and levy special Borough Rates for the Purpose of repaying the Principal and Interest of the Money so borrowed within the Time herein specified.

Adjourned Quarter Sessions to be holden at Coventry.

VII. And be it enacted, That after the said Ninth Day of *November* the Justices of the County of *Warwick* shall hold a Quarterly Session of the Peace at *Coventry*, by Adjournment from *Warwick*, for the City of *Coventry*, and such other Part of the County of *Warwick* as the Justices of *Warwickshire* from Time to Time in General or Quarter Session assembled shall order; and as soon as the said Sessions can be conveniently holden after the Business of the Sessions at *Warwick* shall have been concluded, and after the said Ninth Day of *November*, no separate Court of Sessions of the Peace shall be holden for the City of *Coventry*: Provided always, that the Inhabitants of the said City shall not be liable to be summoned or to serve on any Inquest or Jury for the County of *Warwick* elsewhere than within the City of *Coventry*.

Compensation to Officers of the Coventry Court of Sessions of the Peace.

VIII. And be it enacted, That the Coroner and Clerk of the Peace for the County of *Warwick*, and all other Officers belonging to the Court of Sessions of the Peace for the said County, for the Time being, shall, out of the Fees and Dues to be by them respectively received in virtue of their several Offices at *Coventry*, pay over, within Ten Days next after each Session of the Peace holden at *Coventry* as aforesaid, to the several Persons now holding the same Offices belonging to the County of the City of *Coventry*, during their Lives, One Half of the Fees and Dues by them respectively received, except Mileage in the Case of the Coroner, by reason of their several Offices, for any thing arising within the City of *Coventry* as herein-after bounded and described.

Assizes to be holden at Coventry and at Warwick.

IX. And be it enacted, That the Judges of Assize and Nisi Prius, and others named in Her Majesty's Commissions of Oyer and Terminer and Gaol Delivery, shall hold their Sittings at Nisi Prius, Oyer and Terminer, and Gaol Delivery, within the said City of *Coventry*, for the said City and for such other Parts of the said County of *Warwick* as Her Majesty, with the Advice of Her Privy Council, from Time to Time shall order, and at *Warwick* for so much of the rest of the said County as shall not be included in any such Order; and that the Sheriff of the County of *Warwick* shall give his Attendance upon the said Judges and Commissioners, and shall cause to be summoned to *Warwick* and *Coventry* such Grand and Petty Jurors of the County of *Warwick* as shall be needed for the Execution of the said several Commissions; and that all Proceedings and Orders necessary for the Execution of the said several Commissions at *Warwick* and *Coventry* respectively shall be of the same Force as if the same had been had and taken under the several like Commissions heretofore issued for the County of *Warwick*; provided that the Mayor, Aldermen, and Burgesses of the City of *Coventry* shall allow the Use of *Saint Mary's Hall* within the said City for holding any of the said Sittings therein, when and so often as the same shall be needed by the said Judges and Commissioners.

Sheriff, Recorder, and Mayor.

X. And be it enacted, That after the said Ninth Day of *November* there shall be no Sheriff and no Recorder in the City of *Coventry*; and that the Mayor of *Coventry* for the Time being shall be the Returning Officer for the Election of Members to serve in Parliament for the said City.

Boundary of the City of Coventry.

XI. And be it enacted, That after the passing of this Act the City of *Coventry* shall be taken to include all the District which is included within the Boundary thereof set forth in the Schedule annexed to this Act, and no more, which Boundary shall be with all convenient Speed marked out by Boundary Stones, to be set up under the Direction of the Council of the said City, and shall be divided into Five Wards, in the Manner set forth in the same Schedule; and that in construing the Descriptions of the several Boundaries of the said City and Wards as contained in the said Schedule the same Rules of Construction shall be observed which are enacted with respect to the Construction of the several Descriptions of Boundaries contained in a Schedule marked (O.) annexed to an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament:* Provided also, that if by the Award of a Barrister of not less than Seven Years standing, appointed for that Purpose by One of Her Majesty's Principal Secretaries of State, such Award to be made within Twelve Calendar Months after the passing of this Act, or any longer Time to which such Barrister by any Writing under his Hand shall extend the Time for making his Award, that Part of *Cheylesmore Park* which is included within the said Boundary shall be adjudged not to have been before the passing of this Act Part of the City of *Coventry*, within the Meaning of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act to make temporary Provision for the Boundaries of certain Boroughs*, then from the Date of such Award the same shall cease to be within the said City.

2 & 3 W.4. c.64.

6&7 W.4.c.103.

Number of Council: Proviso for present Council.

XII. And be it enacted, That hereafter there shall be Ten Aldermen and Thirty Councillors for the City of *Coventry*, being Six Councillors for each of the said Five Wards: Provided always, that the present Aldermen and Councillors of the said City shall continue to hold their Offices until the several Times when they would have gone out of Office if this Act had not been passed, and shall not be disqualified for being or acting as such Aldermen or Councillors respectively by reason that the Whole or any Part of the Ward for which any of the said Councillors was elected is not or after the passing of this Act will not be within the said City, or by reason that the said Aldermen and Councillors are now registered Burgesses only in respect of their Occupation of Property which is not or which after the passing of this Act will not be within the said City, or by reason that they shall cease to be on the Register of Burgesses for the said City.

Providing for Succession of Aldermen and Councillors.

XIII. And be it enacted, That no Councillors shall be elected to supply any Vacancies among the Councillors of North Ward; and that at the yearly Elections of Councillors for each Ward of the said City Two Councillors shall be elected for that Ward instead of One; and that at the triennial Elections of Aldermen for the said City Five Aldermen shall be elected instead of Six; and that the Councillors now elected for *Cross Cheaping* Ward shall be deemed to have been elected for *Whitefriars* Ward; and that the Councillors now elected for any other Ward (except North Ward) shall be deemed to have been elected for the Ward of the same Name in the Schedule annexed to this Act.

Indemnity.

XIV. And be it enacted, That the Mayor, Aldermen, and Burgesses and Sheriff of the City and County of the City of *Coventry*, and also the several Persons who were or acted as Members of the Council or as Justices or Recorder of the said City and County, or as Directors of the Poor of the United Parishes of *Saint Michael* and *Trinity*, and also all Persons acting under the Authority of them or any of them, shall be jointly and severally indemnified, freed, and discharged from and against all Actions, Suits, Prosecutions, and Penalties whatsoever for any thing done or ordered by them or any of them, or by any Person acting under the Authority of them or any of them, before the passing of this Act, except as herein-after provided; provided that such Things shall have been done or ordered in good Faith, in the Exercise of the Administration of the Government of the said City and County, or of the Administration of Justice, or of the Administration of the Funds collected for the Relief of the Poor, and that such Things were liable to be impeached only on account of the Want of Jurisdiction of the said Corporation, Sheriff, Council, Justices, or Recorder respectively beyond the Limits of the said City and County; and all such Things, including all Borough Rates assessed within the said united Parishes before the passing of this Act, if not liable to be impeached for any other Reason, shall be holden good in the Law to all Intents and Purposes: Provided always, that this Enactment shall not be construed to render valid any County Rate or Borough Rate made, assessed, or levied before the passing of this Act, and since the passing of the said Act of the Seventh Year of the Reign of His late Majesty, so far as regards any of the Parishes of *Foleshill*, *Exhall*, *Ansty*, *Stoke*, *Stivichall*, *Wyken*, and *Sowe*, or the Hamlet of *Keresley*, or to discharge the said Corporation, or any Member thereof, or any Person or Persons, from their Liability to repay any such Rate, or any Costs, Damages, or Expences which now are or shall become due from them or any of them in respect of the same, or in respect of certain Actions now or lately pending in Her Majesty's Court of Exchequer, relating to the said Rates, or to the Boundary of the said City and County, or either of them, or in which the Boundary of the City and County, or either of them, was in question.

Not to affect the Parliamentary Boundary, or the Vicars Acts, 19 G. 3. c. 57. 60.

XV. Provided always, and be it enacted, That nothing herein contained shall affect the Boundary of the City of *Coventry* and the Suburbs thereof, so far as relates to returning Members to serve in Parliament, or so far as relates to Two several Acts passed, among other Things, for better providing for the Maintenance for the Vicar of the Parish of the *Trinity* in the said City, and for establishing certain Payments to the Vicar of the Parish of *Saint Michael* in the said City, instead of Tithes.

Manorial Rights not to be affected.

XVI. And be it declared and enacted, That nothing in this Act contained shall be construed to take away or affect any manorial Rights, Privileges, or Franchises to the Manor of *Cheylesmore* in anywise appertaining.

Act may be amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

Boundary of the City of Coventry.

From the Point at which the Boundary of Trinity Parish crosses the Road from Coventry to Leicester, Eastward and Southward along the Boundary of the said Parish to the Point at which it meets the Boundary of the Parish of Saint Michael near the Road from Coventry to Lutterworth; thence in a straight Line to the Point at which the Northern Fence of the Land belonging to the London and Birmingham Railway Company meets the Western Bank of the River Sherbourn; thence Westward along the said Fence to the Point at which the same crosses Elsdon Lane; thence Northward along Elsdon Lane to the Point at which the same meets the Southern Boundary of Hearsall Common; thence in a straight Line drawn due North to the Point at which such straight Line cuts the River Sherbourn; thence in a straight Line to the Point at which the Lane which leads from the Radford Road to Saint Nicholas Lane leaves the Radford Road; thence along the said Lane to the Point at which the same meets Saint Nicholas Lane; thence in a straight Line drawn due East to the Point at which such straight Line cuts the Canal; thence Northward along the Canal to the next Bridge, being the Second Bridge across the said Canal; thence Eastward along the Road leading from the said Bridge to the Road from Coventry to Leicester; thence along the said Road to the Point first described.

No. 1.

No. 1.—Spon Street Ward.

From the Point at which the old Road from Coventry to Birmingham crosses the Boundary of the City, Eastward along the said old Road to Birmingham to the Point at which the same meets Spon End; thence along Spon End to the Point at which the same meets Spon Street; thence along Spon Street to the Point at which the same meets Fleet Street; thence along Fleet Street to the Point at which the same meets Ram Bridge; thence along Ram Bridge to the Point at which the same meets Smithford Street; thence along Smithford Street to the Point at which the same meets Broadgate; thence along Broadgate to the Point at which the same meets Cross Cheaping; thence along Cross Cheaping to the Point at which the same meets the Burgess; thence along the Burgess to the Point at which the same meets Saint John's Bridge; thence along Saint John's Bridge to the Point at which the same meets Wells Street; thence along Wells Street to the Point at which the same meets Abbot's Lane; thence along Abbot's Lane to the Point at which the same meets the Brook running from Radford; thence Northward along the said Brook to the Point at which the same crosses the Boundary of the City; thence Southward along the Boundary of the City to the Point first described.

No. 2.—Bishop Street Ward.

From the Point at which the Brook running from Radford crosses the Boundary of the City, Southward along the said Brook to the Point at which the same meets Abbot's Lane; thence along Abbot's Lane to the Point at which the same meets Wells Street; thence along Wells Street to the Point at which the same meets Saint John's Bridge; thence along Saint John's Bridge to the Point at which the same meets the Burgess; thence along the Burgess to the Point at which the same meets Cross Cheaping; thence along Cross Cheaping to the Point at which the same meets Broadgate; thence along Broadgate to the Point at which the same meets High Street; thence along High Street to the Point at which the same meets Hay Lane; thence along Hay Lane to the Point at which the same meets Trinity Lane; thence along Trinity Lane to the Point at which the same meets Priory Row; thence along Priory Row to the Point at which the same meets Hill Top; thence along Hill Top to the Point at which the same meets Priory Lane; thence along Priory Lane to the Point at which the same meets Mill Lane; thence along Mill Lane to the Mill-dam; thence along the Lane leading from the Mill-dam, through Chantrey Place to Cook Street, to the Point at which the said Lane meets Cook Street; thence Eastward along Cook Street to the Point at which the same meets Swanswell Pool Lane; thence along Swanswell Pool Lane to the Point at which the same meets Primrose Hill Street; thence along Primrose Hill Street to the Point at which the same meets Primrose Hill Terrace; thence along Primrose Hill Terrace to the Point at which the same meets Primrose Hill Place; thence along Primrose Hill Place, and along a Foot Road (leading from Primrose Hill Place to Payne's Lane), to the Point at which such Foot Road meets Payne's Lane; thence along Payne's Lane, and along a Footpath (leading from Payne's Lane to Geoffrey Wood's Cross), to the Point at which such Footpath meets the Boundary of the City; thence Northward along the Boundary of the City to the Point first described.

No. 3.—Gosford Street Ward.

From the Point at which the Footpath (leading from Payne's Lane to Geoffrey Wood's Cross) meets the Boundary of the City, Southward along the same Footpath to the Point at which the same meets Payne's Lane; thence along Payne's Lane, and along a Foot Road (leading from Payne's Lane to Primrose Hill Place), to the Point at which such Foot Road meets Primrose Hill Place; thence along Primrose Hill Place to the Point at which the same meets Primrose Hill Terrace; thence along Primrose Hill Terrace to the Point at which the same meets Primrose Hill Street; thence along Primrose Hill Street to the Point at which the same meets Swanswell Pool Lane; thence along Swanswell Pool Lane to the Point at which the same meets Cook Street; thence along Cook Street to the Point at which the same meets a Lane (leading through Chauntrey Place to the Mill-dam) to the Point at which the same meets the Mill-dam; thence along Mill Lane to the Point at which the same meets Priory Lane; thence Eastward along Priory Lane to the Point at which the same meets Hill Top; thence along Hill Top to the Point at which the same meets Priory Row; thence along Priory Row to the Point at which the same meets Trinity Lane; thence along Trinity Lane to the Point at which the same meets Hay Lane; thence along Hay Lane to the Point at which the same meets Earl Street; thence along Earl Street to the Point at which the same meets Jordan Well; thence along Jordan Well to the Point at which the same meets Gosford Street; thence along Gosford Street to the Point at which the same meets the Boundary of the respective Parishes of Holy Trinity and Saint Michael; thence Eastward along the Boundary of the respective Parishes of Holy Trinity and Saint Michael to the Point at which the same meets the Boundary of the City; thence Northward along the Boundary of the City to the Point first described.

No. 4.—Earl Street Ward.

From the Point at which the old Road from Coventry to Birmingham crosses the Boundary of the City, Eastward along the said Road to Birmingham to the Point at which the same meets Spon End; thence along Spon End to the Point at which the same meets Spon Street; thence along Spon Street to the Point at which the same meets Fleet Street; thence along Fleet Street to the Point at which the same meets Ram Bridge; thence along Ram Bridge to the Point at which the same meets Smithford Street; thence

thence along Smithford Street to the Point at which the same meets High Street; thence along High Street to the Point at which the same meets Little Park Street; thence along Little Park Street to the Southern End thereof; thence in a straight Line drawn due South to the Boundary of the City; thence Westward along the Boundary of the City to the Point first described.

No. 5.—Whitefriars Ward.

From the Point at which the Boundary between the respective Parishes of Saint Michael and Holy Trinity meets the Eastern Boundary of the City, Westward along the Boundary between the respective Parishes of Saint Michael and Holy Trinity to the Point at which the same meets Gosford Street; thence Westward along Gosford Street to the Point at which the same meets Jordan Well; thence along Jordan Well to the Point at which the same meets Earl Street; thence along Earl Street to the Point at which the same meets Little Park Street; thence along Little Park Street to the Southern End thereof; thence in a straight Line due South to the Boundary of the City.

CAP. CXI.

An Act to confirm the Incorporation of certain Boroughs, and to indemnify such Persons as have sustained Loss thereby. [12th *August* 1842.]

5&6 W.4. c.76.

'WHEREAS since the passing of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Charters of Incorporation have been granted to certain Boroughs in *England*, in pursuance of the Provisions of the said Act, and of the Acts afterwards passed for amending the said Act: And whereas Doubts have arisen respecting the Validity of the said Charters, and it is expedient that such Doubts be removed:' Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Charters of Incorporation, and also all Grants of separate Courts of Sessions of the Peace, issued or granted to any of the said Boroughs, and all Acts or Proceedings done or had in pursuance thereof respectively before the passing of this Act, shall be deemed good and lawful from the Time of such several Grants, Acts, and Proceedings respectively.

Confirmation of certain Charters and Proceedings in pursuance thereof.

Compensation to certain Officers.

II. And be it enacted, That every Officer of any such Borough, or of any County or any Division of a County in which any such Borough is situated, who was in any Office of Profit at the Time of the granting of any such Charter of Incorporation, or of any Grant afterwards made by His late Majesty or by Her Majesty before the passing of this Act, whose Office shall have been abolished, or who shall have been removed from his Office, or who shall have been deprived of any Part of the Fees and Emoluments of his Office, in consequence of any such Grant, shall be entitled to have an adequate Compensation, to be assessed by the Council and paid out of the Borough Fund, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, or for such Part thereof as he shall have been so deprived of, regard being had to the Manner of his Appointment to the said Office and his Term or Interest therein, and all other Circumstances of the Case; and all the Provisions of the first-recited Act relating to the Claim of any Corporate Officer for Compensation, and to the Manner of determining and securing the Amount of such Compensation, shall apply severally to the Officers hereby indemnified: Provided always, that the Statements to be delivered to the Town Clerks of the said several Boroughs by the said Officers shall set forth the Fees and Emoluments in respect whereof they shall claim Compensation during Five Years next before the several Times when the Profits of their several Offices were first affected by any of the said Grants respectively.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CXII.

An Act for suspending, until the First Day of *October* One thousand eight hundred and forty-three, Appointments to certain Ecclesiastical Preferments in the Dioceses of *Saint Asaph* and *Bangor*; and for securing certain Property to the said Sees. [12th *August* 1842.]

5&6 W.4. c.30.

6&7 W.4. c.67.

'WHEREAS a temporary Act was passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof during the pending Inquiries respecting the State of the Established Church in* England *and* Wales; and another temporary Act was passed in the Seventh Year of the same Reign, intituled *An Act for suspending, for One Year, Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*; and the said Acts, so far as they apply to the Dioceses and Cathedral Churches of *Saint Asaph* and *Bangor*, have been and are continued until the First Day of *August* next, and if Parliament be then sitting until the End of the then Session of Parliament; and it is expedient further to continue the same for a limited Time:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, so far as they apply to the said Dioceses and Cathedral Churches of *Saint Asaph* and *Bangor*, shall continue and be in force until the First Day of *October* in the Year One thousand eight hundred and forty-three.

Recited Acts, so far as they apply to St. Asaph and Bangor, continued to 1st Oct. 1843.

II. And

II. And be it enacted, That all Lands, Tithes, Tenements, and other Hereditaments and Endowments whatsoever, held, possessed, or received by the Right Reverend *William Carey* Bishop of *Saint Asaph*, and the Right Reverend *Christopher Bethell* Bishop of *Bangor*, respectively, as such Bishops, not being so held, possessed, or received in respect of any Benefice with Cure of Souls, shall be and be deemed to be to all Intents and Purposes Part and Parcel of the Lands, Tithes, Tenements, and other Hereditaments and Endowments of the respective Sees of *Saint Asaph* and *Bangor*, or of the United See of *Saint Asaph* and *Bangor*, as the Case may be, and shall continue to be held, possessed, and received by the Bishops of the same Sees for the Time being; subject nevertheless to any Order in Council issued under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, or of any other Act of Parliament. Certain Tithes, &c. annexed to the Sees. 6&7 W.4. c.77.

III. And be it enacted, That this Act may be repealed or amended during this Session of Parliament. Act may be amended, &c.

CAP. CXIII.

An Act for Confirmation of certain Marriages in *Ireland*. [12th *August* 1842.]

'WHEREAS Marriages have in divers Instances been had and celebrated in *Ireland* by Presbyterian and other Protestant Dissenting Ministers or Teachers, or those who at the Time of such 'Marriages had been such, between Persons being of the same or different religious Persuasions, and 'it is expedient to confirm such Marriages:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages heretofore had and celebrated in *Ireland* by Presbyterian or other Protestant Dissenting Ministers or Teachers, or those who at the Time of such Marriages had been such, shall be, and shall be adjudged and taken to have been and to be, of the same Force and Effect in Law as if such Marriages had been had and solemnized by Clergymen of the said United Church of *England* and *Ireland*, and of no other Force nor Effect whatsoever. Marriages heretofore celebrated by Presbyterian or other Dissenting Ministers, &c. to be of Force as if solemnized by Clergymen of Established Church.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Marriage declared invalid by any Court of competent Jurisdiction before the passing of this Act, nor any Marriage where either of the Parties shall, at any Time afterwards during the Life of the other Party, have lawfully intermarried with any other Person, nor any Marriage respecting which any Criminal Prosecution shall be depending at the Time of the passing of this Act. This Act not to affect certain Marriages.

III. Provided further, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Act done before the passing of this Act under the Authority of any Court, or in the Administration of any Personal Estate or Effects, or the Execution of any Will or Testament, or the Performance of any Trust. Any Act already done by Authority of a Court, &c. not affected.

IV. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. CXIV.

An Act to repeal so much of an Act of the Second and Third Years of Her present Majesty, for the Suppression of the Slave Trade, as relates to *Portugueze* Vessels. [12th *August* 1842.]

'WHEREAS in the Third Year of the Reign of Her Majesty an Act was passed, intituled *An Act for the Suppression of the Slave Trade:* And whereas it is expedient and proper that so 'much of the said Act as relates to *Portugueze* Vessels should be repealed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act of the Third Year of the Reign of Her Majesty as relates to *Portugueze* Vessels shall be repealed, and so much accordingly is hereby repealed, save and except in respect to such *Portugueze* Vessels as may have been or shall be seized or captured under the Provisions of the said Act before this present Act shall have passed into a Law, and the Seizor or Captor shall have had Notice thereof. 2&3 Vict. c. 73. So much of recited Act as relates to Portugueze Vessels repealed, except, &c.

II. And be it enacted, That due Means of giving to all Persons whom it may concern Notice of the Fact that this Act has passed into a Law shall be taken as speedily as possible by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of *Great Britain*, and by Her Majesty's Secretaries of State, or by Persons under their Authority. Notice of the passing of this Act to be given by Authorities.

III. And be it enacted, That the said Act of the Third Year of the Reign of Her Majesty shall in nowise continue in force and effect in respect to *Portugueze* Vessels seized and detained on and after the First Day of *December* in the Year One thousand eight hundred and forty-two, at the *Cape of Good Hope* and at *Cape Horn* and at all Places lying Eastward of *Cape Horn* and Westward of the *Cape of Good Hope*, or in respect to any *Portugueze* Vessel seized and detained on and after the First Day of *February* which shall be in the Year One thousand eight hundred and forty-three, at any other Place whatever. Limiting the Duration of the recited Act.

CAP.

CAP. CXV.

An Act for raising the Sum of Nine millions one hundred and ninety-three thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-two. [12th *August* 1842.]

CAP. CXVI.

An Act for the Relief of Insolvent Debtors. [12th *August* 1842.]

'WHEREAS it is expedient to protect from all Process against the Person such Persons as have become indebted without any Fraud or gross or culpable Negligence, so as nevertheless their 'Estates may be duly distributed among their Creditors:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, or if any Person being such Trader, but owing Debts amounting in the whole to less than Three hundred Pounds, shall give Notice, according to the Schedule to this Act annexed, to One Fourth in Number and Value of his Creditors, and shall cause the same Notice to be inserted Twice in the *London Gazette*, and Twice in some Newspaper circulating within the County wherein he resides, he may present a Petition for Protection from Process to the Court of Bankruptcy, if he has resided Twelve Calendar Months in *London* or within the *London* District, or to the Commissioner of Bankrupt in the Country within whose District he may have resided Twelve Calendar Months, which Petition shall have annexed to it a full and true Schedule of his Debts, with the Names of his Creditors, and the Dates of contracting the Debts, severally, the Nature of the Debt, and the Security (if any) given for the same, and also of the Nature and Amount of his Property, and of the Debts owing to him, with their Dates, and the Names of his Debtors, and the Nature of the Securities (if any) which he may have for such Debts, and which Petition shall also set forth any Proposal which he may have to make for the Payment, in whole or in part, of his Debts; and it shall thereupon be lawful for the Judge or Commissioner of the Court of Bankruptcy to whom, by any Order of the Court, as herein-after provided, the same shall be referred, or for the Commissioner in the Country to whom the Petition shall be presented, to give, upon the filing of such Petition, a Protection to the Petitioner from all Process whatever, either against his Person or his Property of every Description, which Protection shall continue in force, and all Process be stayed, until the Appearance of the Petitioner in Court, as herein-after provided; and upon the Presentation of any such Petition all the Estate and Effects of the Petitioner shall forthwith become vested in the Official Assignee who shall be nominated by the Commissioners acting in the Matter of the said Petition; and such Official Assignee shall and may forthwith take possession of so much thereof as can be reasonably obtained and possessed without Suit; and the said Official Assignee shall hold and stand possessed of the same in like Manner as Official Assignees hold and possess Estates and Effects under and by virtue of the Statute relating to Bankrupts.

Any Person not being a Trader, or being a Trader owing less than 300*l.*, on giving and publishing the required Notice, may present a Petition to Court of Bankruptcy, stating the Debts owing by and to him.

Judge or Commissioner of Court of Bankruptcy thereupon to grant a Protection.

Estate and Effects shall forthwith be vested in the Official Assignee.

II. Provided always, and be it enacted, That nothing herein contained shall be held or construed to hinder or prevent the said Insolvent from being arrested or held to Bail under the Authority of any Judge's Order for that Purpose, in like Manner as may now by Law be done, notwithstanding any Protection which may be granted under the Authority of this Act.

Not to prevent Insolvent from being arrested under a Judge's Order.

III. And be it further enacted, That the Court of Bankruptcy shall appoint a certain Rotation in which the Commissioners thereof shall hear the Matter of such Petitions, and shall make from Time to Time Orders touching such Rotation, and touching the Reference of such Petitions, and also touching the Commissioner to whom the Matter of any Petition shall be transferred in case of Death, Resignation, or Removal, and also such Orders as they may think right touching the Notice of Meetings and Examinations to be given to Creditors and the Publication of such Notice; provided that such Orders shall be approved of by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being.

Rotation of Commissioners, and Orders relating to the Hearing of Petitions.

IV. And be it enacted, That the Commissioner so authorized, or the Commissioner in the Country, (as the Case may be,) shall, on the Day notified by such Notice as aforesaid, proceed to examine upon Oath the Petitioner, and any Creditor who may attend such Examination, and any Witness whom the Petitioner or any Creditor may call; and the said Commissioner may adjourn the Examination from Time to Time, and summon to be examined before him any Debtor of such Petitioner, or any Creditor of such Petitioner, or any other Person whose Evidence may appear necessary for the Purposes of the Inquiry; and if it shall appear to the said Commissioner that the Allegations in the Petition and the Matters in the Schedules are true, and that the Debts of the Petitioner were not contracted by any Manner of Fraud or Breach of Trust, or any Prosecution against the Petitioner whereby he had been convicted of any Offence, or without having at the Time of becoming indebted reasonable Assurance of being able to pay the Debts, and that such Debts were not contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious suing out a Fiat of Bankruptcy, or malicious Trespass, and that the Petitioner has made a full Discovery of his Estate, Effects, Debts, and Credits, and has not parted with any of his Property since the presenting of his Petition, it shall then be lawful for the said Commissioner to cause Notice to be given that on a

Commissioner to examine the Petitioner, &c. on Oath.

Adjournment of Examination.

If Commissioner satisfied with Allegations of the Petitioner, he may make a Final Order for his Protection, &c.

certain Day, to be named therein, he will proceed to make an Order, unless Cause be shown to the contrary; which Order shall be called a Final Order, and shall be for the Protection of the Person of the Petitioner from all Process, and for the vesting of his Estate and Effects in an Official Assignee, to be named by such Commissioner, together with an Assignee to be chosen by the Majority in Number and Value of the Creditors who may attend before the Commissioner on such Day, or for the carrying into effect such Proposal as the Petitioner shall have set forth in his Petition, provided that the Consideration of such final Order may be adjourned from Time to Time by the Commissioner without any fresh Notice: Provided always, that it shall be lawful for the said Commissioner, if he shall think fit, to direct in such final Order some Allowance to be made for the Support of the Petitioner out of his Estate and Effects.

Allowance for Support.

V. And be it enacted, That at the first Examination of the Petitioner it shall be lawful for the Commissioner to renew the Order for Protection, and to renew it from Time to Time until the final Order for Protection and Distribution.

Renewal of Order for Protection.

VI. And be it enacted, That it shall be lawful for the Commissioner, by Warrant under his Hand and Seal, to commit to Prison any Petitioner who shall appear to him to have prevaricated or made any false Statement before him, for such Time as he shall think fit, not exceeding One Calendar Month; and touching all Persons other than the Petitioner who shall be examined before him, or being lawfully summoned shall refuse or neglect to attend him, the said Commissioner shall have the same Powers in respect of Commitment as he has by any Law now in force relating to Bankrupts.

Punishment for Prevarication, &c.

Power of Commitment.

VII. And be it enacted, That from and after the passing of the Final Order the whole Estate, present and future, as well Real as Personal, and as well in the Colonies, Dominions, and Plantations belonging to Her Majesty, as in the United Kingdom of *Great Britain* and *Ireland*, all the Effects and all the Credits of the Petitioner, shall become absolutely vested in the Official Assignee, and Assignee chosen by the Creditors, without any Deed or Conveyance, which Assignees shall hold the same as fully as if the Petitioner had been made a Bankrupt and they had been Assignees under his Fiat, and shall sue and be sued as if they had been Assignees under such Fiat; and as often as any such Assignees shall die or be lawfully removed, and a new Assignee duly appointed, all Estate, Real and Personal, and such Effects and Credits, as were or remained vested in such deceased or removed Assignee, shall vest in the new Assignee either alone or jointly with the existing Assignees, as the Case may require, without any Deed or Conveyance for that Purpose.

On passing of Final Order, Estate of Petitioner to be vested in his Assignees.

Provision for Death or Removal of Assignees.

VIII. Provided always, and be it enacted, That where according to any Laws now in force any Conveyance or Assignment of any Real or Personal Property of a Petitioner would require to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then in every such Case such Certificate of the Appointment of an Assignee or Assignees as is described in an Act passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to establish a Court in Bankruptcy*, shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect, to all Intents and Purposes, as the Registry, Enrolment, or recording of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable Consideration, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of an Assignee or Assignees as aforesaid, or the vesting of such Property in him or them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the Date of such Appointment, and as regards all other Places, within Twelve Months from the Date thereof.

Certificate of Appointment of Assignees to be registered where required.

1 & 2 W. 4. c. 56.

Title of Purchasers not to be invalidated by the Appointment of an Assignee.

IX. And be it enacted, That the said Assignees shall be entitled to claim and demand from the said Petitioner, at any Time after the said Final Order, any Estate and Effects acquired by him at any Time after such Order shall have been made; and all such Estate and Effects, of what Kind soever and wheresoever situate, shall be absolutely vested in such Assignees upon their filing a Copy of their Claim, served upon the Petitioner personally, or by leaving it at the Place of Residence mentioned in his Notice of Petition, and they shall hold the same in like Manner as they held the Estate and Effects of the Petitioner transferred by force of the Final Order, as herein-before provided: Provided always, that no Assignee of any Insolvent shall be authorized by virtue of this Act to take possession of any Estate or Effects which the Insolvent shall have acquired or become possessed of after the making of the Final Order herein mentioned, except under the Authority of an Order of the said Commissioner, or of the Court of Review in Bankruptcy, made for that Purpose, and then only to the Extent and at the Time and in manner directed by such Order, and after giving such Notices, and doing such Acts, Matters, and Things, as by the Rules, Orders, and Regulations made under the Authority of this Act shall be required and directed in that Behalf.

Estate of Petitioner to be absolutely vested in his Assignees.

Assignee not to take possession of Estate, &c. without an Order for the Purpose.

X. Provided always, and it is hereby further enacted, That if any Suit or Action is brought against any Petitioner for or in respect of any Debt contracted before the Date of filing his Petition, it shall be a sufficient Plea in bar of the said Suit or Action that such Petition was duly presented, and a Final Order for Protection and Distribution made by a Commissioner duly authorized, whereof the Production of the Order signed by the Commissioner, with Proof of his Handwriting, shall be sufficient Evidence.

Proof of Presentation of Petition and making of Final Order to bar Suits.

Proof of Appointment of Assignees.

XI. And be it enacted, That the like Evidence of the Appointments of Assignees shall be received as sufficient to prove such Appointments in all Courts and Places whatsoever as is received by the Laws now in force relating to Bankrupts to prove such Appointments.

Creditor or Official Assignee may make Motion for rescinding Final Order in part.

Commissioner to hear Motion.

Notice of Motion.

Costs of Motion.

XII. And be it enacted, That it shall be lawful for any Creditor, or Official Assignee or other Assignee, at any Time after the Final Order shall have been made, to give One Month's Notice to the Petitioner, either by personal Service, or, if he cannot be found, by Service at the Place of his Residence mentioned in his Notice of Petition, that such Creditor intends to apply by Motion to the said Commissioner, or in case of his Death, Resignation, or Removal to the Commissioner appointed to succeed him, that the Final Order be rescinded as far as relates to the Protection of the Petitioner's Person from Process, and as far as relates to the Effect of such Order in bar of Suits and Actions; and the said Commissioner shall, upon hearing the Matter of such Motion, and any Evidence in support of it, and what the Petitioner has to allege against it, and any Evidence against it, and upon examining the Petitioner, if he shall desire to be examined or if the Commissioner shall think fit, proceed to make such rescinding Order as is herein-before mentioned, if he sees Reason to believe that the Petitioner had not before the making of the Order sought to be rescinded made a full Disclosure of his Estate, Effects, and Debts, or had since the making of such Order not given Notice to the Assignees of any Property after acquired by him; provided that on any such Motion by a Creditor the Official and other Assignee shall be duly served with a Month's Notice to attend the said Commissioner; and provided further, that Notice of the hearing of such Motion shall be given Twice in the *London Gazette* and Twice in the same Paper in which Notice of the Petition had been given, or in some other Paper circulating in the same County; and provided always, that the said Commissioner, in case he shall refuse to make the rescinding Order, shall, if he think fit, order the Petitioner's Costs of the Motion to be paid by the Creditor making the Motion, or by the Assignee chosen by the Creditors, in case he shall make the Motion, but not out of the Petitioner's Estate and Effects.

Judges and Commissioners may make Orders for carrying Act into execution.

Orders to be approved by the Lord Chancellor, and laid before Parliament.

XIII. And be it enacted, That it shall be lawful for the Judges and Commissioners of the Court of Bankruptcy, or any Four of them, to make such Orders, Rules, and Regulations as they shall think fit for the better carrying this Act into execution, and particularly for regulating and appointing the Duties of the Official Assignees and of the other Assignees, the auditing of their Accounts, the collecting the Debts and the realizing the Estate and Effects of the Petitioner, and the Notification of the Time of hearing Petitions or Motions in the Gazette or otherwise; which Orders, Rules, and Regulations shall, upon being approved by the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, be laid before both Houses of Parliament within Fourteen Days from such Approval, if Parliament be then sitting, or if not within Fourteen Days from the Commencement of the next Session of Parliament, and shall in the meantime and from the Date of such Approval be binding upon the Commissioners in the Country, and upon all other Persons whatever, until such Time as either House of Parliament shall make some Resolution in whole or in part disapproving the same.

Time when Act shall come into operation.

XIV. And be it enacted, That this Act shall not come into operation before the First Day of *November* next ensuing, except as regards the Power of the Commissioners to make Orders, Rules, and Regulations, with Consent of the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal.

Act may be altered, &c.

XV. Provided always, and be it enacted, That this Act may be altered or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULE.

I *A.B.*, at present and for Months past residing at in the Parish of and County of and being [*here set forth the Description of the Debtor, and his Profession or Calling, if any*], do hereby give Notice, That I intend to present a Petition to the Court of Bankruptcy [*or* the Commissioner of the District, *as the Case may be*], praying to be examined touching my Debts, Estate, and Effects, and to be protected from all Process, upon making a full Disclosure and Surrender of such Estate and Effects for Payment of my just and lawful Debts; and I hereby further give Notice, that the Time when the Matter of the said Petition shall be heard is to be advertised in the London Gazette and in the Newspaper One Month at the least after the Date hereof. As witness my Hand, this Day of in the Year

CAP. CXVII.

An Act to amend and continue until the First Day of *October* One thousand eight hundred and forty-two the Acts regulating the Police of *Manchester*, *Birmingham*, and *Bolton*.

[12th *August* 1842.]

2 & 3 Vict. c. 87, 88. 95. 3 & 4 Vict. c. 30. 5 Vict. c. 7.

'WHEREAS Three Acts were passed in the Third Year of Her Majesty's Reign, for improving the Police in *Manchester*, *Birmingham*, and *Bolton* respectively for a limited Period, which Acts will expire at the End of this Session of Parliament: And whereas another Act was passed in the Fourth Year of Her Majesty's Reign for the more equal Assessment of Police Rates in *Manchester*, *Birmingham*, and *Bolton*, and to make better Provision for the Police in *Birmingham*, for a limited Period, which last-mentioned Act was by an Act passed in the last Session of Parliament further continued until the

'the Thirty-first Day of *July* now next ensuing: And whereas it is expedient that the said Acts should 'be further continued and amended, as is herein-after provided;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, subject to the Amendments herein-after contained, shall be further continued until the First Day of *October* in the Year One thousand eight hundred and forty-two. Continuance of Acts.

II. And be it enacted, That so much of the said Act passed in the Fourth Year of the Reign of Her Majesty as provides for the Levy of any Rate towards the Expences of the Police in any Parish, Township, Precinct, or Place which is partly within and partly without the District affected by any of the said Acts, shall be repealed. Repeal of 3 & 4 Vict. c. 30. s. 4.

III. And be it enacted, That in every Case in which any Parish, Township, Precinct, or Place liable to support its own Poor shall be partly within and partly without the District affected by any of the said Acts, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish, Township, Precinct, or Place, upon the Receipt of any Warrant issued after the passing of this Act from the Justice appointed to execute any of the said Acts in such District, for the Payment of Money for the Purposes of any of the said Acts, (which Warrants the said Justices shall be severally empowered to direct to them in like Manner as if the whole of such Parish, Township, Precinct, or Place were within their District respectively,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates, or liable to contribute to the Expences of the Police in that Part of their Parish, Township, Precinct, or Place which is within the Police District, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate, and in addition to the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish, Township, Precinct, or Place may be liable, in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Police District, and out of the Monies so levied and collected, or out of any Monies in their Hands collected for the Relief of the Poor, shall pay the Amount mentioned in the Warrant, and in default thereof shall be subject to all the Provisions and Penalties provided by the said Acts concerning the Nonpayment thereof. Parishes, &c. partly within the Police District.

IV. And be it enacted, That the Arrears uncollected and unpaid for that Part of the Parish of *Aston* which is situated within the *Birmingham* Police District upon all the Warrants heretofore issued by the Chief Commissioner of Police in *Birmingham* shall be assessed and taken at the Sum of Five thousand Pounds, and that the same shall be payable by Five equal yearly Instalments of One thousand Pounds within Five Years next after the passing of this Act, the first Payment to be made before the Twenty-fifth Day of *December* next; and that the Overseers or other Persons charged with the Collection of the Rates for the Relief of the Poor in the said Parish of *Aston* for the Time being shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates, or liable to contribute to the Expences of the Police in that Part of the said Parish of *Aston* which is within the *Birmingham* Police District, such Rate or Rates from Time to Time as may be necessary for raising and levying such Part of the said Sum of Five thousand Pounds as they shall not be able to receive from the Rates already made for the Purposes of the Police, in order to enable them to pay the said Sum of Five thousand Pounds by the Instalments aforesaid, for which Purpose the said Overseers or other Persons so charged for the Time being shall have all the Powers and Remedies and be subject to all the Provisions and Penalties provided by the said Acts, or by any other Act or Acts now in force concerning the Assessment or Collection of Rates for the Relief of the Poor. Parish of Aston to be liable for Arrears.

V. And be it enacted, That notwithstanding the Expiration of the said several Acts, the Provisions of the said Acts shall continue for enabling the Receivers of Police appointed under the said Acts to levy and collect all Sums of Money which at the Time of the Expiration of the said several Acts shall remain unpaid and due upon any Warrant issued under any of the said Acts or under this Act, and that the Surplus of all Monies which shall remain in the Hands of the said several Receivers, after defraying all the Expences of executing the said several Acts respectively, shall be severally applied to the Purposes of Police in the said Boroughs, and for that Purpose shall be paid over to such Person or Persons as shall be appointed by One of Her Majesty's Principal Secretaries of State to receive the same. Receivers empowered to collect Arrears.

VI. Provided always, and be it declared and enacted, That nothing in this Act contained shall be construed to confirm or affect any of the Charters of Incorporation granted to the said several Boroughs. Act not to affect Validity of Charters.

VII. And be it enacted, That this Act shall be construed as One Act with the recited Acts as amended by this Act. Construction of Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. CXVIII.

An Act for guaranteeing the Payment of the Interest on a Loan of One million five hundred thousand Pounds to be raised by the Province of *Canada*. [12th *August* 1842.]

'WHEREAS Her Majesty was graciously pleased to signify to the Legislative Council and the Legislative Assembly of the Province of *Canada*, by a Message sent to the said Council and 'Assembly by the Governor General of the said Province acting for and in the Name of Her Majesty, 'that Her Majesty's Government was ready to propose to Parliament to guarantee a Loan which might 'be required for public Works in the said Province (under certain Restrictions therein referred to), and 'for the Repayment of such Part of the Debt of the said Province as might be then redeemable, or might 'be held by Creditors who should declare themselves willing to accept reasonable Terms: And whereas, 'for the Purpose of enabling Her Majesty to fulfil Her Majesty's gracious Intentions so conveyed to the 'Legislative Council and Assembly of *Canada*, the Commons of the United Kingdom of *Great Britain* 'and *Ireland*, in Parliament assembled, have resolved, that Her Majesty be authorized to guarantee the 'Interest, at a Rate of not more than Four *per Centum per Annum*, of a Loan to an Amount not exceeding One million five hundred thousand Pounds for the Service of the Province of *Canada*, and that 'Provision be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* 'for the Payment from Time to Time of such Sums of Money as may become payable by Her Majesty 'under such Guarantee;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, Her Heirs and Successors, to guarantee the Payment of the Dividends and Interest, not exceeding the yearly Rate of Four Pounds in the Hundred, on any Principal Sum or Sums of Money not exceeding the Sum of One million five hundred thousand Pounds in the whole, which shall be raised for all or any of the Purposes aforesaid, by Loan, Debenture, or otherwise, and the Repayment of which, with Interest not exceeding the Rate aforesaid, shall be charged upon the Consolidated Revenue Fund of the said Province of *Canada*, under any Act passed or to be passed by the Legislature of the said Province, and assented to by Her Majesty, Her Heirs or Successors, and that for the Purpose of giving effect to such Guarantee it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to direct and cause to be issued and paid out of the growing Produce of the Consolidated Fund of the said United Kingdom, such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment of the Interest accruing due upon any such Loan as aforesaid on the Part of the said Province of *Canada*.

Her Majesty may guarantee a Loan of 1,500,000*l.*;

to be charged upon the consolidated Fund of the Province.

Advances out of Consolidated Fund of United Kingdom to be charged on Consolidated Revenue Fund of Canada.

II. Provided always, and be it enacted, That all Sums so issued and paid out of the Consolidated Fund of the United Kingdom, with Interest upon the same after the yearly Rate of Five Pounds in the Hundred, to be computed from the several Times of issuing the same, shall be charged upon the Consolidated Revenue Fund of the Province of *Canada*, and shall form the Seventh Charge upon the said Consolidated Revenue Fund, with Preference to all Payments which heretofore have been or which hereafter shall be charged upon the said Consolidated Revenue Fund, other than the Six Charges preferably charged upon such Fund by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to re-unite the Provinces of* Upper *and* Lower Canada, *and for the Government of* Canada.

3 & 4 Vict. c. 35.

Certificate of Amount paid to be sent to Canada.

III. And be it enacted, That the Lord High Treasurer, or Three or more of the Commissioners of Her Majesty's Treasury, shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest on the said Loan; and such Certificate shall be communicated to the Governor General of the said Province, and shall be by him communicated to the Legislative Council and the Legislative Assembly of the said Province; and every such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid, on account of the Interest of the said Loan.

Account to be laid before Parliament.

IV. And be it enacted, That the Lord High Treasurer or Commissioners of Her Majesty's Treasury aforesaid shall cause to be prepared, and shall lay before both Houses of Parliament within Fourteen Days next after the Beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom, by virtue of this Act, towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from the said Province of *Canada*, by reason of such Advance, with the Interest paid or recovered thereon.

CAP. CXIX.

An Act to enable Her Majesty to grant Furlough Allowances to the Bishops of *Calcutta*, *Madras*, and *Bombay* who shall return to *Europe* for a limited Period after residing in *India* a sufficient Time to entitle them to the highest Scale of Pension. [12th *August* 1842.]

'WHEREAS by Law the Salaries of the Bishops of *Calcutta*, *Madras*, and *Bombay* respectively are 'payable to them respectively only so long as they respectively exercise the Functions of their 'several Offices in the *East Indies*, and no longer; and the Pensions which Her Majesty is empowered 'to grant to such Bishops respectively can by Law be granted only on their respective Resignation of their 'said Offices: And whereas it is expedient to enable Her Majesty to make a moderate Provision for such

'of

'of the said Bishops who, after such Residence in the *East Indies* as herein-after mentioned, shall, with 'Her Majesty's Permission, return to *Europe* for a Period not exceeding Eighteen Calendar Months, and 'also to provide for making a further Payment to the Bishop of *Madras* and the Bishop of *Bombay* respec- 'tively, if during such Absence of the Bishop of *Calcutta* such Bishop of *Madras* or *Bombay* shall perform 'the Functions of the said Bishop of *Calcutta*;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Her Majesty shall be pleased from Time to Time or at any Time to grant Permission to any Bishop of *Calcutta* who shall have resided in the *East Indies* for a Period of Ten Years, and to any Bishop of *Madras* or of *Bombay* who shall have resided in the *East Indies* for a Period of Fifteen Years, to return to *Europe* for a Period not exceeding Eighteen Calendar Months from the Time of Departure from the *East Indies*, then and in every such Case it shall be lawful for Her Majesty, in manner mentioned in an Act of the Fifty-third Year of the Reign of His Majesty *George* the Third as to the Grant of the Pension to the Bishop of *Calcutta*, to grant to such Bishop of *Calcutta*, *Madras*, or *Bombay* respectively, so returning to *Europe*, a Furlough Allowance not exceeding the highest Amount of Pension which Her Majesty is by Law empowered to grant to any such Bishop, and for a Period not exceeding Eighteen Calendar Months from the Time of the Departure of such Bishop from the *East Indies*.

Empowering Her Majesty to grant Allowances to East India Bishops absent on Leave.

II. And be it enacted, That it shall be lawful for Her Majesty to grant to any such Bishop who, having obtained such Furlough and received such Furlough Allowance, shall have returned to the *East Indies*, and have resumed the Functions of his Office, a Second Furlough of similar Duration and of similar Amount, to commence from and after the Expiration of Five Years from the Time of such Bishop's resuming the Exercise of his Functions in the *East Indies*.

Further Furlough and Allowance may be granted.

III. Provided always, and it is hereby enacted, That it shall not be lawful for Her Majesty to grant such Furlough Allowance to more than One such Bishop at One and the same Time.

Limitation of Allowance.

IV. And be it enacted, That in case it shall please Her Majesty to extend the Ecclesiastical Jurisdiction and Functions of the Bishops of *Madras* and *Bombay*, or of either of them, so as to enable such last-mentioned Bishop, during such Absence of the Bishop of *Calcutta*, to perform the Functions of the said Bishop of *Calcutta*, then and in that Case, so long as the Bishop of *Madras* or the Bishop of *Bombay* shall perform the Functions of the Bishop of *Calcutta*, the said Bishop of *Madras* or the Bishop of *Bombay* shall, in addition to his Salary as Bishop of *Madras* or *Bombay*, have and be entitled to a further annual Allowance of Ten thousand Company's Rupees for so long Time as he shall perform the Functions of such Bishop of *Calcutta*.

Additional Allowance to Bishops performing Functions of Bishops absent on Furlough.

CAP. CXX.

An Act for amending the Constitution of the Government of *Newfoundland*. [12th *August* 1842.]

'WHEREAS by a Commission under the Great Seal of the United Kingdom of *Great Britain* and 'Ireland, bearing Date at *Westminster* the Second Day of *March* in the Year One thousand eight 'hundred and thirty-two, His late Majesty King *William* the Fourth did give and grant unto the then 'Governor of the Island of *Newfoundland* full Power and Authority, with the Advice and Consent of the 'Council of the said Island, from Time to Time, as need should require, to summon and call General 'Assemblies of the Freeholders and Householders within the said Island and its Dependencies, in such 'Manner and Form, and according to such Powers, Instructions, and Authorities as were granted or 'appointed by certain Instructions under His said late Majesty's Sign Manual and Signet accompanying 'the said Commission; and His said late Majesty did by the said Commission declare, that the Persons so 'elected, having taken certain Oaths therein mentioned, should be called and deemed the General 'Assembly of the said Island of *Newfoundland*; and the said Governor, by and with the Advice and 'Consent of the said Council and Assembly or the major Part of them respectively, was by the said 'Commission empowered and authorized to make, constitute, and ordain Laws, Statutes, and Ordinances 'for the public Peace, Welfare, and good Government of the said Island and its Dependencies, and the 'People and Inhabitants thereof, and such others as should resort thereto, and for the Benefit of His late 'Majesty, His Heirs and Successors: And whereas by the before-mentioned Instructions so referred to 'as aforesaid in the said Commission the said Governor was authorized to issue a Proclamation dividing 'the said Island into Districts or Counties, Towns or Townships, and appointing the Limits thereof, and 'declaring and appointing the Number of Representatives to be chosen by each of such Districts or 'Counties, Towns or Townships respectively: And whereas the Proclamation referred to in the said 'last-mentioned Instructions was accordingly issued by the said Governor in the Name and on the 'Behalf of His said late Majesty, whereby the said Island was divided into Nine Districts for the Purpose 'of the Election of the Members of the said Assembly; and it was by the said Proclamation, amongst 'other Things, declared, that every Man being of the full Age of Twenty-one Years and upwards, and 'being of sound Understanding, and being a natural-born Subject of His said late Majesty, or having 'been lawfully naturalized, and never having been convicted in due Course of Law of any infamous 'Crime, and having for Two Years next immediately preceding the Day of Election occupied a Dwelling 'House within the said Island, as Owner or Tenant thereof, should be eligible to be a Member of the 'said House of Assembly; and it was by the said Proclamation further declared, that every Man who for 'One Year next immediately preceding the Day of Election had occupied a Dwelling House within the 'said Island, as Owner or Tenant thereof, and who in other respects might be eligible, according to

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'the Regulations aforesaid, to be a Member of the said House of Assembly, should be competent and 'entitled to vote for the Election of Members of the said Assembly in and for the District within which 'the Dwelling House so occupied as aforesaid by him might be situated: And whereas, in pursuance of 'the said Commission, Instruction, and Proclamation, General Assemblies have since been elected and 'holden in and for the said Island of *Newfoundland* in the Manner therein prescribed; and the said 'Commission and Instructions have from Time to Time been renewed on the Appointment of the successive 'Governors of the said Island, and divers Laws have been made in pursuance thereof by the said Governor, 'Council, and Assembly: And whereas it is expedient that the Changes herein-after mentioned should be 'made in the Constitution of the Government of the said Island;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty in or by any Commission or Commissions under the Great Seal of the United Kingdom, to be hereafter issued for the Government of *Newfoundland*, and in and by any Instructions under Her Majesty's Signet and Sign Manual accompanying and referred to in any such Commission or Commissions, to establish a Qualification in respect of Income or Property in right of which any Person may be hereafter elected to serve as a Member of the said Assembly; provided that no such Qualification shall be fixed at more than a net annual Income, arising from any Source whatsoever, of One hundred Pounds, or the Possession of Property, clear of all Incumbrances, exceeding Five hundred Pounds in Amount or Value.

Her Majesty empowered to raise the Qualification of Members of Assembly.

Her Majesty empowered to lengthen Period of Residence of Electors.

II. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to fix and determine the Length of the Period of Residence within any Electoral District in the said Island which shall be required in addition to any other Qualification for voting at Elections within such District, or for being elected to serve as a Member of the Assembly; provided that such Period shall not extend beyond the Period of Two Years next preceding any such Election.

Her Majesty may restrain Appropriation of Revenue.

III. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to restrain the said Assembly from appropriating to the public Service within the said Island any Part of the public Revenue thereof, in Cases where such Services shall not have been previously recommended, or such Grants of Money shall not have been previously asked, by or on the Behalf of Her Majesty.

Her Majesty may direct Elections to be simultaneous.

IV. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to restrain and prohibit the Election of Members to serve in the said Assembly, in different Districts, on successive or different Days, and to require that all such Elections shall be simultaneous, and shall be completed within a Time to be limited.

Her Majesty may appoint Executive Council.

V. And be it enacted, That it shall be competent to Her Majesty, in manner aforesaid, to establish an Executive Council for advising the Governor of the said Island, apart and distinct from the Legislative Council thereof.

Her Majesty empowered to abolish the Council as a distinct Branch of the Legislature; and to re-establish it.

VI. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to abolish the Legislative Council of the said Island as a distinct House or Branch of the Legislature thereof, and to authorize and empower the Members of the said Legislative Council to sit and vote in the House of Assembly as Members thereof, as fully in all respects as the elected Members of the said House: Provided always, that the Number of Members so to be authorized to sit and vote in the said House of Assembly shall never be more than Two Fifths of the whole Number of the Members of such House of Assembly: Provided also, that it shall be competent to Her Majesty again, in manner aforesaid, to re-establish the Legislative Council as a separate House of the Legislature of the said Island.

Future Commissions to be laid before Parliament.

VII. And be it enacted, That any such future Commission or Instructions as aforesaid shall be laid before both Houses of Parliament within Thirty Days next after the Date thereof, should Parliament then be in Session, or if not, then within Thirty Days next after the Commencement of the then next Session of Parliament.

Change in Constitution not to continue beyond a limited Time, &c.

VIII. Provided always, and be it enacted, That no Change which shall be made in the Constitution of the said Island under this Act shall continue for a longer Time than the First Day of *September* One thousand eight hundred and forty-six, unless Parliament shall otherwise order; but this Enactment shall not be construed to annul or affect any Laws, Statutes, or Ordinances made by the Legislature of the said Island as constituted under the Authority of this Act.

Act not to interfere with Prerogative of Her Majesty.

IX. And be it declared and enacted, That nothing herein contained shall extend or be construed to extend to take away or diminish any Right or Prerogative vested in Her Majesty of enlarging, as to Her Majesty shall seem meet, any Franchise heretofore granted by His late Majesty or hereafter to be granted by Her Majesty to Her Majesty's Subjects in *Newfoundland*.

Act not to affect the Act 2 & 3 W. 4. c. 78.

X. And be it enacted, That nothing herein-before contained shall extend or be construed to extend to repeal or alter the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue certain Acts relating to the Island of* Newfoundland, *and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island.*

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

CAP. CXXI.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-two, and to appropriate the Supplies granted in this Session of Parliament. [12th *August* 1842.]

§ I. There shall be applied, for the Service of the Year 1842, £9,097,207 out of the Consolidated Fund.

II. The Treasury may cause £9,097,207 of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of England may advance £9,097,207 on the Credit of this Act.

VI. The Treasury may cause Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Treasury to issue £111,339 0*s.* 11*d.* the Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1840 and 1841.

X. Monies coming into the Exchequer by *cc.* 8. and 34. *ante*,—£9,100,000 by Exchequer Bills under *c.* 21. *ante*,—£9,193,000 by Exchequer Bills under *c.* 115. *ante*,—and also the said £9,097,207, £111,339 0*s.* 11*d.*, and £500,000 shall be applied as hereafter expressed.

XI. There shall be issued and applied,

£6,739,318	0	0	For Naval Services, *viz.*	
1,436,629	0	0	For Wages of 43,000 Seamen and Marines, and the Ordinary and Yard Craft	To 31st *March* 1843.
747,264	0	0	For their Victuals	
121,449	0	0	For Salaries of Officers and contingent Expences of the Admiralty Office	
716,799	0	0	For Half Pay of Navy and Marines	
2,980	0	0	For Salaries of Officers and contingent Expences of the Registry of Merchant Seamen	
34,982	0	0	For ditto of Scientific Departments of the Navy	
124,449	0	0	For ditto of Naval Establishments at home	
23,176	0	0	For ditto abroad	
567,027	0	0	For Wages of Artificers, Labourers, and others in Naval Establishments at home	
38,530	0	0	For ditto in Naval Establishments abroad	
1,253,735	0	0	For Naval Stores, &c.	
194,496	0	0	For new Works, Improvements, and Repairs in Yards	
29,375	0	0	For Medicines and Medical Stores	
44,825	0	0	For Naval Miscellaneous Services	
497,157	0	0	For Military Pensions and Allowances	
177,002	0	0	For Civil ditto	
226,100	0	0	For Freight of Transports and other Charges on account of the Army and Ordnance	
95,794	0	0	For conveying Convicts to *New South Wales*, &c.	
407,549	0	0	For Mail Packet Service	
XII. 6,602,312	0	0	For Army Services after mentioned, *viz.*	
3,581,575	0	0	For Forces at home and abroad (except *India*)	From 1st *April* 1842 to 31st *March* 1843.
166,922	0	0	For General Staff and Officers of the Hospitals at home and abroad (except *India*), and for the Garrison of the *Tower*	
82,467	0	0	For Allowances to principal Officers of Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences	
15,009	0	0	For Military Asylum and *Hibernian* Military School	
82,458	0	0	For Volunteer Corps	
15,281	0	0	For Rewards for Military Services and Allowances to Garrison Officers at home and abroad	
98,000	0	0	For Pay of General Officers not being Colonels of Regiments	
66,000	0	0	For Full Pay of Reduced and Retired Officers	
472,000	0	0	For Half Pay and Allowances to Reduced and Retired Officers	
530	0	0	For Repairs at Royal Military College occasioned by a Thunder Storm.	

	£ 58,433	0	0	For Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers - -	From 1st *April* 1842 to 31st *March* 1843.
	141,493	0	0	For Pensions to Widows of Officers - -	
	120,500	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers - -	
	1,251,414	0	0	For *Chelsea* and *Kilmainham* Hospitals, &c. - -	
	41,000	0	0	For Superannuations to Persons formerly belonging to public Military Departments - - -	
	200,939	0	0	For the Commissariat Department to 31st March 1843.	
	48,746	0	0	For Half Pay Pensions and Allowances to ditto.	
	159,545	0	0	For Disembodied Militia to ditto.	
§ XIII.	2,084,549	0	0	For Ordnance Services for the Year 1842–43, *viz.*	
	121,827	0	0	For Civil Establishments at the *Tower*, *Pall Mall*, *Woolwich*, and at Out-Stations at home and abroad.	
	109,207	0	0	For Engineers, and Sappers and Miners.	
	349,155	0	0	For the Artillery, Master Gunners, Field Train, and Medical Department, and Military Academy.	
	39,303	0	0	For Salaries to Barrack Masters at home and abroad.	
	208,743	0	0	For Ordnance Surveys, Military and Civil Contingencies, and Army Extraordinaries.	
	331,000	0	0	For Ordnance and Military Store Branch.	
	2,788	0	0	For Expences of Ordnance Services not provided for by Parliament in 1841-42.	
	169,835	0	0	For Ordnance Superannuations, Retired Allowances, Pensions, &c.	
	219,514	0	0	For Commissariat Supplies.	
	533,177	0	0	For Ordnance Works and Repairs, Storekeepers Expenditure, Repair of Barracks, Barrack Masters Expenditure, Pay of Clerks of Works, &c.	
XIV.	There shall be issued and applied,				
	18,293,000	0	0	To pay off Exchequer Bills charged on the Aids of 1842.	
XV.	806,566	0	0	For Expences of the Expedition to *China*.	
XVI.	108,000	0	0	For Expences in *Canada* consequent upon the Insurrection there.	
XVII.	272,921	0	0	For Army, Navy, and Ordnance Services for *China* and *India* - - - - - -	To 31st *March* 1843.
XVIII.	3,410	0	0	For the Civil Establishment of the *Bahama Islands* -	
	8,188	0	0	For ditto of the *Bermudas* - - - -	
	3,070	0	0	For ditto of *Prince Edward's Island* - - -	
	10,680	0	0	For ditto of *Western Africa* - - - -	
	7,099	0	0	For Settlement of *Western Australia* - - -	
	13,215	0	0	For Ecclesiastical Establishments in *North America* and *New Zealand* - - - - -	
	18,895	0	0	For the *Indian* Department in *Canada* - - -	
	18,667	0	0	For Salaries of the Governors, &c. in the *West Indies* -	
	1,023	0	0	For the Civil Establishment of *Heligoland* - -	
	11,500	0	0	For ditto at *Saint Helena*, and for Pensions and Allowances to Civil and Military Officers of the *East India* Company's late Establishment in that Island - -	
	400	0	0	For the Establishment at *Sable Island* for the Relief of shipwrecked Persons - - - - -	
	4,034	0	0	For the Settlement of *Port Essington* - - -	
	2,000	0	0	For the Civil Establishment of the *Falkland Islands* -	
XIX.	130,000	0	0	For Civil Contingencies for 1842.	
	10,000	0	0	For Works, &c. at *Kingstown* Harbour.	
	30,336	0	0	For the *British Museum* for the Year ending 25th *March* 1843.	
	106,085	0	0	For Public Buildings, Works, &c. heretofore charged upon the Civil List - - - - -	To 31st *March* 1843.
	4,753	0	0	For *Holyhead* and *Liverpool* Roads, *Holyhead* Harbour, and *Shrewsbury* and *Holyhead* Road - -	
	33,748	0	0	For Fittings at the *British Museum* - - -	
	5,395	0	0	For temporary Accommodation for the Houses of Parliament, &c. - - - - -	
	105,000	0	0	For new Houses of Parliament - - -	
	2,018	0	0	For the Museum of Economic Geology - -	
	19,326	0	0	For the Model Prison.	
	8,654	0	0	For additional Works at *Parkhurst* Prison.	
	8,320	0	0	For Works, &c. at the *British* Ambassador's House at *Paris* in 1842.	

£62,300	0	0	For Salaries, &c. of the Houses of Parliament	To 31st *March* 1843.
53,800	0	0	For Salaries and Expences of the Treasury	
15,400	0	0	For ditto of the Home Department	
78,000	0	0	For ditto of the Foreign ditto	
15,523	0	0	For ditto of the Colonial ditto	
32,195	0	0	For ditto of the Privy Council	
2,000	0	0	For the Lord Privy Seal	
35,266	0	0	For the Office of the Paymaster General	
18,103	0	0	For Salaries, &c. of the Office of the Comptroller General of the Exchequer and Paymaster of Civil Services	
2,006	0	0	For Professors at *Oxford* and *Cambridge*	
13,368	0	0	For Salaries and Expences of Insolvent Debtors Court	
17,600	0	0	For the Penitentiary at *Milbank*	
6,282	0	0	For Expences of the Prison at *Parkhurst*	
6,300	0	0	For Expences of the Model Prison	
2,257	0	0	For Expences of the State Paper Office	
3,400	0	0	For Ecclesiastical Commissioners	
59,000	0	0	For the Poor Law Commissioners	
15,000	0	0	For Commissioners for preventing Traffic in Slaves	
112,470	0	0	For Salaries to Consuls	
8,800	0	0	For Salaries, &c. of Factory Inspectors	
5,800	0	0	For ditto of Inspectors of Prisons	
26,995	0	0	For Expences of the Mint	
3,111	0	0	For Commission on Employment of Children in Mines, &c.	for 1841-2.
84,000	0	0	For Allowances and Compensations to Persons formerly in Public Offices or in the Public Service	To 31st *March* 1843.
7,000	0	0	For *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers Widows, *St. Domingo* Sufferers, *American* Loyalists, &c.	
1,850	0	0	For the Vaccine Institution for 1842.	
3,000	0	0	For the Refuge for the Destitute for 1842.	
3,572	0	0	For confining and maintaining Criminal Lunatics	To 31st *March* 1843.
3,800	0	0	For Protestant Dissenting Ministers, poor *French* Refugee Clergy, Laity, &c.	
39,200	0	0	For Secret Services	
199,048	0	0	For Stationery, Printing, &c. for Public Departments and Parliament	
22,000	0	0	For Law Charges	
102,879	0	0	For Convicts at home, *Bermuda*, and *Gibraltar*	
265,000	0	0	For Convicts in *New South Wales* and *Van Diemen's Land*	
25,000	0	0	For Support of captured Negroes, &c.	
11,817	0	0	For Public Records	
* 30,000	0	0	For Public Education in *Great Britain* in 1842.	
4,516	0	0	For the *London* University	To 31st *March* 1843.
3,147	0	0	For the School of Design	
30,000	0	0	For Revising Barristers	
12,300	0	0	For Expences of Sheriffs and Deficiency of Fees in the Remembrancer's Office, &c.	
110,000	0	0	For Charges hitherto paid out of County Rates for 1842.	
10,900	0	0	For *Polish* Refugees to the 31st of *March* 1843.	
4,740	0	0	For the Purchase of certain Collections for the *British Museum*.	
37,666	0	0	For Balance due to the Condé de *Povoa* for Supplies to the *British* Forces in 1814.	
50,000	0	0	For Steam Communication to *India* to 31st *March* 1843.	
52,850	0	0	For Salaries, &c. to Stipendiary Justices in the Colonies to ditto.	
24,000	0	0	For educating emancipated Negroes in 1842.	
5,092	0	0	For Salaries of Emigration Board, &c. to 31st *March* 1843.	
5,000	0	0	For sick and destitute Emigrants in *Canada* to ditto.	
75,850	0	0	For Law and other Expences in *Scotland* to ditto.	
50,000	0	0	For the *Caledonian* Canal for 1842.	
10,300	0	0	For Completion of Prison at *Parkhurst* for Juvenile Female Offenders.	
1,936	0	0	For Deficiency of Funds in erecting New Assembly Hall at *Edinburgh*, &c.	

* *See next Page.*

	£ 32,200	0	0	For Expences at the Mint.	
	1,430	0	0	For Pictures for the National Gallery in 1842.	
	6,300	0	0	For completing Amount due to Sir *F. Chantrey*, for Statue of King *George* IV.	
	60,000	0	0	For Gratuities to Officers and Men lately employed on the Coast of *Syria*.	
	1,600	0	0	For lighting the House of Commons.	
	* 10,000	0	0	For Public Education in *Great Britain* in 1842.	
	59,936	0	0	For liquidating Bills drawn by the Governors of *South Australia* since 1840.	
	500,000	0	0	To discharge like Amount of Supplies granted for 1841, or any preceding Year.	
§ XX.	50,000	0	0	For Education in *Ireland*	To 31st *March* 1843.
	8,292	0	0	For the Foundling Hospital in *Dublin*	
	14,251	0	0	For the House of Industry in *Dublin*, Lunatic Departments, and Hospitals attached	
	1,000	0	0	For the Female Orphan House in *Dublin*	
	2,500	0	0	For the *Westmoreland* Lock Hospital	
	1,000	0	0	For the Lying-in Hospital	
	1,500	0	0	For Dr. *Steven*'s Hospital	
	3,800	0	0	For the Fever Hospital and House of Recovery	
	500	0	0	For the Hospital for Incurables	
	8,928	0	0	For Roman Catholic College	
	300	0	0	For the Royal *Irish* Academy	
	300	0	0	For the Royal *Hibernian* Academy	
	700	0	0	For Charity Commissioners in *Ireland*	
	1,950	0	0	For *Belfast* Academical Institution	
	10,900	0	0	For the Royal *Dublin* Society for Two Years	
XXI.	17,345	0	0	For Public Works in *Ireland*	
	23,463	0	0	For Secretaries to Lord Lieutenant, Expences of the Privy Council Office, and Printing for Public Offices in *Ireland*	
	12,434	0	0	For Household of Lord Lieutenant	
	4,819	0	0	For Paymaster of Civil Services in *Ireland*	
	3,950	0	0	For publishing Proclamations and Statutes	
	35,630	0	0	For Dissenting Ministers	
	90,000	0	0	For Criminal Prosecutions and other Law Charges in *Ireland*	
	35,600	0	0	For the *Dublin* Police.	
	2,714	0	0	For the Board of Public Works.	
	5,000	0	0	For Townland Survey of *Ireland*.	
	13,000	0	0	For Improvement of the *Shannon*.	
	3,500	0	0	For Postage connected with the Census in *Ireland*.	

XXII. Supplies to be applied only for the Purposes aforesaid.

XXIII. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, Yeomanry, or Volunteers. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIV. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 4 & 5 *Vict. c.* 53., indemnified.

XXVI. Half Pay allowed to the Officers of the *Manx* Fencibles.

XXVII. Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.

XXVIII. The Surplus of the Sum appropriated to Half Pay by 4 & 5 *Vict. c.* 53. authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.

XXIX. Widows and Persons claiming Pensions shall make the required Declaration.

XXX. Declarations to be made as specified in 5 & 6 *W.* 4. *c.* 62.

* *See preceding Page.*

CAP. CXXII.

An Act for the Amendment of the Law of Bankruptcy. [12th *August* 1842.]

'WHEREAS it is expedient to amend the Law of Bankruptcy: And whereas by an Act passed in the Reign of His late Majesty, intituled *An Act to establish a Court in Bankruptcy*, various Alterations were made in the Administration of the Law of Bankruptcy, which have by Experience been found beneficial, and it is advisable to extend the Provisions and Regulations contained in the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the Eleventh Day of *November* next. 1 & 2 W. 4 c. 56.

Commencement of this Act.

II. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they may be inconsistent or at variance with the Provisions of this Act; provided always, that the same shall continue in force in all other respects whatsoever.

Laws at variance with this Act repealed.

III. And be it enacted, That in every Case of a Petition for the Issue of a Fiat in Bankruptcy, it shall be lawful for the Lord Chancellor to dispense, if he shall think fit, with the Bond now required to be given to him by the Petitioning Creditor, conditioned for proving his Debt, and for proving the Party to have committed an Act of Bankruptcy at the Time of issuing such Fiat, and for proceeding upon such Fiat; and in such Case it shall be lawful to issue the Fiat without any such Bond having been given.

Petitioning Creditor's Bond may be dispensed with.

IV. And be it enacted, That every Fiat in Bankruptcy granted after the Commencement of this Act shall, after the granting of such Fiat, be forthwith issued and transmitted by the Lord Chancellor's Secretary of Bankrupts, in such Manner, and at such Cost, as the Lord Chancellor by any general or other Order shall direct, to the Court to which such Fiat shall be directed under and by virtue of the Powers of any Act now in force or of this Act, and shall be forthwith opened, unless such Court shall in its Discretion think fit to postpone the Opening of such Fiat: Provided always, that if such Fiat shall not be opened by the Petitioning Creditor within Three Days after it shall have been so transmitted, or within such extended Time as shall be allowed by the said Court, such Court is hereby authorized to open such Fiat, at any Time within Fourteen Days then next following, upon the Application of any other Creditor to the Amount required by this Act to constitute a Petitioning Creditor, and to adjudicate thereon, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Fiat: Provided always, that no such Fiat shall be issued to the Petitioning Creditor, or his Attorney or Agent.

Fiats to be transmitted to the Court, and forthwith opened, unless postponed.

If Fiat not opened by Petitioning Creditor within Time allowed.

Not to be issued to Petitioning Creditor.

V. And be it enacted, That whenever any Fiat in Bankruptcy shall have issued against any Person, and it shall be proved to the Satisfaction of the Court authorized to act in the Prosecution of such Fiat that there is probable Cause for believing that such Person is about to quit *England*, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for such Court to issue a Warrant, directed to any Person or Persons such Court shall think fit, whereby such Person or Persons shall have Authority to arrest the Person named in such Fiat by his Body, and also to seize his Books, Papers, Monies, Securities for Monies, Goods, and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for opening such Fiat, or until such Person shall be adjudged bankrupt under such Fiat, and be thereon dealt with under such Fiat, according to the Laws relating to Bankrupts.

Person against whom a Fiat has issued, on Proof of probable Cause for believing that he is about to quit England, or to remove or conceal his Goods, may be arrested.

VI. Provided always, and be it enacted, That it shall be lawful for any Person arrested upon any such Warrant, or for any Person whose Books, Papers, Monies, Securities for Monies, Goods, or Chattels have been seized under any such Warrant, to apply at any Time after such Arrest or Seizure to such Court for an Order or Rule on the Petitioning Creditor named in such Fiat to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up to him; and that it shall be lawful for such Court to make absolute or discharge such Order or Rule, and to direct the Costs of the Application to be paid by either Party; provided that any such Order may be discharged or varied by the Court of Review, on Application made thereto by either Party dissatisfied with such Order.

Any Person so arrested may apply for his Discharge forthwith.

Court may discharge the Person or not.

Order may be appealed from.

VII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Fiat in Bankruptcy against him.

Limiting Term of Liability.

VIII. And be it enacted, That no Fiat in Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy of the Person against whom the Adjudication of Bankruptcy thereunder shall be made having been concerned or agreed upon between the Bankrupt and any Creditor or other Person, save and except where any Petition to supersede or annul a Fiat for any such Cause shall have been already presented, and shall be now pending.

Concerted Act of Bankruptcy not to invalidate Fiat.

IX. And be it enacted, That the Amount of the Debt or Debts of any Creditor or Creditors petitioning for a Fiat in Bankruptcy shall hereafter be as follows; that is to say, the single Debt of such Creditor or of Two or more Persons being Partners petitioning for the same shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and that every Person who has given Credit to any Trader upon valuable Consideration for

Requisite Amount of Petitioning Creditor's Debt.

any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have had any Security in Writing for such Sum or not.

Persons specially named liable to become Bankrupts.

X. And be it enacted, That all Livery Stable Keepers, Coach Proprietors, Carriers, Ship Owners, Auctioneers, Apothecaries, Market Gardeners, Cow-keepers, Brick-makers, Alum-makers, Lime-burners, and Millers shall be deemed Traders, and subject and liable as Traders to this and to the other Statutes relating to Bankrupts.

On Creditor of Trader making Affidavit of his Debt and of his having required Payment, Court may summon the Trader.

XI. And be it enacted, That if any Creditor of any Trader, within the Meaning of this or any other Statute relating to Bankrupts now or hereafter to be in force, shall file an Affidavit in the Court authorized as herein-after provided to act in the Prosecution of Fiats in Bankruptcy in the District (to be described as herein-after mentioned) in which such Debtor shall reside, or in the Court of Bankruptcy if such Debtor shall not reside in any such District, in the Form specified in Schedule hereunto annexed (A. No. 1.), of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader as aforesaid, and of the Delivery to such Trader, personally, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in the said Schedule (A. No. 2.), it shall be lawful for the Court in which such Affidavit shall be filed, as the Case may be, to issue a Summons in Writing, in the Form specified in the said Schedule (A. No. 3.), calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon by such Summons to appear as herein-after provided.

Manner of proceeding on Summons of Trader by a Creditor.

XII. And be it enacted, That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for such Court to require such Trader to state whether or not he admits the Demand of such Creditor so sworn to as aforesaid, or any and what Part thereof, and if such Trader shall admit such Demand or any Part thereof to reduce such Admission into Writing, in the Form specified in the Schedule hereunto annexed (B. No. 1.), and such Admission so reduced into Writing such Trader is hereby required to sign, and the same is thereupon to be filed in such Court; and it shall also be lawful for such Court to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Court, in the Form specified in the said Schedule (B. No. 2.) that he verily believes he has a good Defence to the said Demand, or to some and what Part thereof.

Trader not attending Summons, or refusing to admit the Demand and not making Deposition of Belief of a good Defence thereto, and not paying, securing, or compounding within a certain Time, deemed an Act of Bankruptcy.

XIII. And be it enacted, That if any such Trader so summoned as aforesaid shall not come before such Court at the Time appointed (having no lawful Impediment made known to and proved to the Satisfaction of the Court at the said Time, and allowed), or if any such Trader, upon his Appearance to such Summons as aforesaid, or at any Enlargement or Adjournment thereof, (as the Case may be,) shall refuse to admit such Demand, and shall not make a Deposition, in the Form herein-before mentioned, that he believes he has a good Defence to such Demand, then and in either of the said Cases, if such Trader shall not, within Fourteen Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the recovering of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader signing an Admission of Demand, and not paying, &c. within 14 Days, an Act of Bankruptcy.

XIV. And be it enacted, That if any such Trader so summoned as aforesaid upon his said Appearance shall sign an Admission of such Demand in the Form aforesaid, and shall not, within Fourteen Days next after the filing of such Admission, pay, or tender and offer to pay, to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the filing of such Admission, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

Admitting Part of a Demand and not making Deposition of a good Defence to the Residue, and not paying, &c. the Sum admitted; and, as to Residue, not paying or giving Surety for any Sum recovered, with Costs; an Act of Bankruptcy.

XV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form herein-before required that he believes he has a good Defence to the Residue of such Demand, then and in such Case, if such Trader, as to the Sum so admitted, shall not, within Fourteen Days next after the filing of such Admission, pay, or tender and offer to pay, to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not, within Fourteen Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

What deemed refusing Admission of Debt.

XVI. Provided always, and be it enacted, That if any such Trader so summoned as aforesaid shall, upon his Appearance before such Court, refuse to sign the Admission in that Behalf required as aforesaid, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it

shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for such Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for either of such Matters, for such Time as such Court shall think fit.

Court may enlarge Time for Admission of Demand.

XVII. Provided always, and be it enacted, That an Admission of any Debt made after such Summons as aforesaid, and signed by any such Trader elsewhere than before such Court, may be filed in such Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader so summoned as aforesaid on his Appearance in such Court, provided there be present some Attorney of one of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney, and that such Admission shall be made in the Form of Schedule (C.) hereunto annexed.

An attested Admission of Debt signed elsewhere than in Court may be filed, and have the same Force as if signed by a Trader on his Appearance under Summons.

XVIII. And be it enacted, That where any Trader against whom an Affidavit of Debt is filed as aforesaid shall be summoned to appear before the Court in which such Affidavit shall be filed, as the Case may be, every such Trader shall have such Costs and Charges as such Court in its Discretion shall think fit.

Trader summoned to have such Costs as Court thinks fit.

XIX. And be it enacted, That in every Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the Amount of the Sum for which he shall have filed an Affidavit of Debt under the Provisions of this Act, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by a Rule or Order of the same Court, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made as aforesaid, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed, and then in such Sum only as the same shall exceed, the Amount of the Taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs of the Defendant to be taxed as aforesaid, that then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed as aforesaid, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

Wherever a Creditor (Plaintiff) shall not recover the Amount sworn to in his Affidavit of Debt filed against a Trader, if such Affidavit be made for such Amount without probable Cause the Trader (Defendant) shall be entitled to Costs.

XX. And be it enacted, That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand, in any of Her Majesty's Courts of Record, against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not within Fourteen Days after Notice in Writing personally served upon him requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy;

XXI. And be it enacted, That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

or disobeying Order of Court of Equity, or Order in Bankruptcy or Lunacy, for Payment of Money, after Service of Order for Payment on a Day fixed.

XXII. And be it enacted, That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing (in the Form of Schedule (D.) hereunto annexed), signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Declaration; and a Copy of such Declaration, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration having been filed.

Trader filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts, an Act of Bankruptcy.

XXIII. And

Person adjudged bankrupt to have Notice thereof before Adjudication advertised, and to be allowed Five Days to show Cause against Adjudication; if Petitioning Creditor's Debt, Trading, or Act of Bankruptcy appear insufficient, Adjudication to be annulled;

but if no Cause shown for annulling, Notice to be advertised, and Sittings appointed for Surrender.

With Consent of Bankrupt, Adjudication may be advertised sooner.

Bankrupt to be free from Arrest.

Examination may be adjourned.

If Bankrupt shall not dispute Fiat, and prosecute with Effect, Gazette to be Evidence of the Bankruptcy as against him and all Persons whom he might have sued had he not been adjudged bankrupt, saving Rights for pending Proceedings.

Deposition of deceased Witness may be made Evidence.

XXIII. And be it enacted, That before Notice of any Adjudication of Bankruptcy under any Fiat in Bankruptcy issued after the Commencement of this Act shall be given in the *London Gazette*, and at or before the Time of putting in execution any Warrant of Seizure which shall have been granted upon such Adjudication, a Duplicate of such Adjudication shall be served on the Person so adjudged bankrupt personally, or by leaving the same at the usual Place of Abode or Place of Business of such Person, and that such Person shall be allowed Five Days from the Service of such Duplicate to show Cause to the Court authorized to act in the Prosecution of the Fiat under which such Adjudication shall have been made against the Validity of such Adjudication; and that if such Person shall within the Time hereby allowed in that Behalf show to the Satisfaction of such Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication shall have been grounded, or that any or either of such Matters, are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy, or any or either of such Matters which shall be deemed insufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of such Court, such Court shall thereupon cause a Memorandum in Writing to be filed with the Proceedings under such Fiat that such Adjudication is annulled, and the same shall thereby be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of such Court for the annulling of such Adjudication, such Court shall forthwith, after the Expiration of such Time, cause Notice of such Adjudication to be given in the *London Gazette*, and shall thereby appoint Two public Sittings of such Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Thirty Days and not exceeding Sixty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that if such Person so adjudged bankrupt shall, after such Adjudication, and before the Expiration of the Time so allowed for showing Cause as aforesaid, surrrender to such Fiat, and give his Consent, testified in Writing under his Hand before such Court, to such Adjudication, and that the same may be advertised, such Court, after such Consent so given as aforesaid, shall forthwith cause Notice of such Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform in manner aforesaid; and such Person so adjudged bankrupt shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed and confirmed, as such Court shall from Time to Time, by Endorsement upon the Summons of such Bankrupt, think fit to appoint, provided he was not in Custody at the Time of such Surrender; and if such Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall after his Surrender be so arrested within the Time aforesaid, he shall, on producing his Summons signed as required by this Act to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Summons to him, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Westminster*, in the Name of such Bankrupt, with full Costs of Suit; and it shall be lawful for the Court authorized to act in the Prosecution of such Fiat, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, to adjourn such Examination *sine Die*; and in such Case he shall be free from Arrest or Imprisonment for such Time not exceeding Three Months as such Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt appoint, with like Penalty upon any Officer detaining such Bankrupt after having been shown such Summons.

XXIV. And be it enacted, That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication), within Twenty-one Days after the Advertisement of the Bankruptcy in the *London Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to dispute or annul the Fiat, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Fiat, and that such Fiat was sued forth on the Day on which the same is stated in the Gazette to bear Date, saving all Rights which shall have accrued to any such Person as aforesaid previous to the Commencement of this Act, and in respect of which any Proceedings shall be pending at the Time of the Commencement of this Act, which shall be adjudged and determined as if this Act had not been passed.

XXV. And be it enacted, That in the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Fiat in Bankruptcy already issued or hereafter to be issued, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court of Bankruptcy, or a Copy thereof purporting to be so sealed, shall in all Cases be receivable in Evidence of the Matters therein respectively contained.

XXVI. And

Provision for Debtor to the Bankrupt's Estate paying the Debt into Court, when sued by the Assignees within the Time for Bankrupt to dispute.

XXVI. And be it enacted, That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed by this Act for the Bankrupt to dispute the Fiat shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought; and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed, until the Time aforesaid shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as aforesaid, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Assignees, but otherwise shall abide the Event of such Action, Suit, or other Proceeding as aforesaid, and upon such Event shall be paid out of Court, either to the Assignees, or the Person adjudged bankrupt, as the Court shall direct, and that after such Payment so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Audits and Dividends to be had and made whenever the Court think fit after Time appointed for last Examination.

XXVII. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, whenever such Court shall think fit, at or after the Sitting appointed for the last Examination of the Bankrupt named in such Fiat, to audit the Assignees Accounts, and to make a Declaration of Dividend under such Fiat, subject nevertheless to such Advertisement and such other Provisions relating to such Audits and Dividends as are now required in respect of Audits and Dividends under Bankrupts Estates, except such Provisions as relate to the Limitation of Time in any Manner respecting such Audits and Dividends, or the Appointment thereof.

Court may order Three Months Wages or Salary to Clerks or Servants.

XXVIII. And be it enacted, That when any Bankrupt under a Fiat issued after the Commencement of this Act shall have been indebted at the Time of issuing the Fiat against him to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court authorized to act in the Prosecution of such Fiat, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk out of the Estate of such Bankrupt, and such Servant or Clerk shall be at liberty to prove under the Fiat for any Sum exceeding such last-mentioned Amount.

Court may order Wages not exceeding 40s. to Labourer or Workman.

XXIX. And be it enacted, That when any Bankrupt under a Fiat issued after the Commencement of this Act shall have been indebted, at the Time of issuing the Fiat against him, to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court authorized to act in the Prosecution of such Fiat, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt, and such Labourer or Workman shall be at liberty to prove under the Fiat for any Sum exceeding such last-mentioned Amount.

Search Warrants may be granted.

XXX. And be it enacted, That in all Cases where it shall be made to appear to the Satisfaction of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, that there is Reason to suspect and believe that Property of any Bankrupt is concealed in any House, Premises, or other Place not belonging to such Bankrupt, such Court is hereby directed and authorized to grant a Search Warrant to any Person appointed by the Court in which the Adjudication against such Bankrupt shall have been made, and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof; and such Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed.

If a Member of a Firm become bankrupt, the Court may authorize Suits in Name of the Assignee and remaining Partner, giving him Notice.

Court may direct Partner to have Part of Proceeds.

XXXI. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall at the Time of his Bankruptcy be a Member of a Firm, it shall be lawful for the Court authorized to act in the Prosecution of the Fiat against such Bankrupt to authorize the Assignee, upon his Application, to commence or prosecute any Action at Law or Suit in Equity in the Name of such Assignee and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit is claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as such Court upon his Application shall direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Bankrupt not surrendering, and submitting to be examined; or making Discovery of his Estate and Effects; or not delivering up his Estate, Books, &c.;

XXXII. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall not, upon the Day limited for the Surrender of such Bankrupt, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing to be left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *London Gazette* of the issuing of the Fiat, and of the Sittings of the Court authorized to act in the Prosecution of the Fiat against him, surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time upon Oath; or if any such Bankrupt, upon such Examination, shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, and all Books, Papers, and Writings relating thereunto (except such Part as shall have been really and *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expence of his Family); or if any such Bankrupt shall not upon such Examination deliver up to the said Court all such Part of such Estate, and all

or concealing, &c. to the Value of 10*l.*, guilty of Felony, and liable to Transportation or Imprisonment, with or without hard Labour.

all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary Wearing Apparel of himself, his Wife, and Children); or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors; every such Bankrupt shall be deemed guilty of Felony, and be liable to be transported for Life, or for such Term, not less than Seven Years, as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned, with or without hard Labour, in any Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

Court may enlarge the Time for the Bankrupt surrendering himself.

XXXIII. And be it enacted, That the Court authorized to act in the Prosecution of any Fiat in Bankruptcy shall have Power, as often as such Court shall think fit, from Time to Time, to enlarge the Time for the Bankrupt named in such Fiat surrendering himself for such Time as such Court shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was to surrender himself.

Bankrupt destroying or falsifying Books, &c., guilty of a Misdemeanor, and liable to Imprisonment, with or without hard Labour.

XXXIV. And be it enacted, That if any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, and after the Commencement of this Act, have destroyed, altered, mutilated, or falsified any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

Bankrupt, within Three Months of his Bankruptcy, having obtained Goods on Credit under false Pretence, &c. guilty of a Misdemeanor.

XXXV. And be it enacted, That if any Bankrupt shall within Three Months next preceding his Bankruptcy, and after the Commencement of this Act, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any other Person any Goods or Chattels with Intent to defraud the Owner thereof, or if any Bankrupt shall within the Time aforesaid, with such Intent, have removed, concealed, or disposed of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Person so offending shall be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

Prosecution against Bankrupt for any Offence under this Act may be ordered by the Court acting in Prosecution of the Fiat.

XXXVI. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy issued after the Commencement of this Act, upon the Request in Writing of at least Three Creditors (not being Partners) who shall have respectively proved Debts of the Amount of Fifty Pounds or upwards under such Fiat, to direct the Assignees of the Bankrupt named in such Fiat, if he shall be suspected of or charged with the Commission of any of the Offences specified in this Act, to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expences to be incurred in such Prosecution shall be paid out of the Estate and Effects of the said Bankrupt, and such Assignees shall thereupon institute and carry on such Prosecution; and in case the said Assignees shall refuse or neglect to institute and carry on to Conviction such Prosecution, having no lawful or reasonable Impediment made known to and allowed by the said Court, the said Court may order the same to be instituted and carried on either by the Official Assignee alone, or by the Creditors making such Request as aforesaid, as the said Court may think fit.

Bankrupt may be discharged by Certificate of Conformity in manner hereinafter prescribed.

XXXVII. And be it enacted, That every Bankrupt who shall have duly surrendered and in all things conformed himself to the Laws in force at the Time of issuing the Fiat in Bankruptcy against him shall be discharged from all Debts due by him when he became bankrupt, and from all Claims and Demands made proveable under the Fiat, in case he shall obtain a Certificate of such Conformity so signed and allowed, and subject to such Provisions as herein-after mentioned; and no Certificate of such Conformity by any such Bankrupt shall release or discharge such Bankrupt from such Debts, Claims, or Demands, unless such Certificate shall be obtained, allowed, and confirmed according to such Provisions: Provided always, that no such Certificate shall release or discharge any Person who was Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt; and provided also, that nothing herein contained shall affect the Validity of any Certificate allowed by the Lord Chancellor or Court of Review previous to the Commencement of this Act.

Discharge of Bankrupt not to release or discharge a Partner or Person jointly bound.

Bankrupt not entitled to Certificate if he has lost certain Amounts by Gaming or Stock-jobbing; or concealed or destroyed Books, &c.; or made fraudulent Entries; or concealed any Property, or permitted fictitious Debts to be proved.

XXXVIII. Provided always, and be it enacted, That no Bankrupt shall be entitled to the Certificate under this Act, and that any such Certificate, if obtained, shall be void, if such Bankrupt shall have lost by any Sort of Gaming or Wagering in One Day Twenty Pounds, or within One Year next preceding his Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding his Bankruptcy have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract; or if such Bankrupt shall, after an Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, or shall have concealed any Part of his Property; or if any Person having proved a false Debt under the Fiat, such Bankrupt being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees, within One Month after such Knowledge.

XXXIX. And

Mode of obtaining Certificate of Conformity.

XXXIX. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy already issued or hereafter to be issued, on the Application of the Bankrupt named in such Fiat, to appoint a public Sitting for the Allowance of such Certificate to the Bankrupt named in such Fiat (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette* and to the Solicitor of the Assignees); and at such Sitting any of the Creditors of such Bankrupt may be heard against the Allowance of such Certificate; but it shall not be requisite for such Certificate to be signed by any of the Creditors of such Bankrupt; and such Court, having regard to the Conformity of the Bankrupt to the Laws relating to Bankrupts, and to the Conduct of the Bankrupt as a Trader before as well as after his Bankruptcy, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require: Provided always, that no Certificate shall be such Discharge unless such Court shall, in Writing under Hand and Seal, certify to the Court of Review that such Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any Reason to doubt the Truth or Fulness of such Discovery, and unless the Bankrupt make Oath in Writing that such Certificate was obtained fairly and without Fraud, and unless the Allowance of such Certificate shall, after such Oath, be confirmed by the Court of Review, against which Confirmation any of the Creditors of the Bankrupt may be heard before such Court.

Certificate not to be a Discharge unless the Court certify a full Conformity.

Contracts or Securities to induce Creditors to forbear Opposition to be void.

XL. And be it enacted, That any Contract or Security made or given by any Bankrupt or other Person unto or in Trust for any Creditor, or for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing or to consent to the Allowance or Confirmation of such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition, &c.

XLI. And be it enacted, That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance or Confirmation of the Certificate of such Bankrupt, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained, (as the Case may be,) to be recovered as herein-after provided.

Bankrupt having obtained his Certificate, free from Arrest.

Certificate to be Evidence of the Bankruptcy.

Bankrupt in Execution may be ordered to be discharged.

XLII. And be it enacted, That any Bankrupt who shall, after such Certificate shall have been confirmed, be arrested, or have any Action brought against him for any Debt, Claim, or Demand proveable under the Fiat against such Bankrupt, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate, and the Confirmation thereof, shall be sufficient Evidence of the Trading, Bankruptcy, Fiat, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Confirmation of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Not liable upon Promise to pay Debt discharged by Certificate, unless Promise be in Writing.

XLIII. And be it enacted, That no Bankrupt, after such Certificate shall have been confirmed, shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made or to be made after the suing out of the Fiat, unless such Contract, Promise, or Agreement be made in Writing signed by the Bankrupt, or by some Person thereto lawfully authorized in Writing by such Bankrupt.

Allowance to Bankrupt: 5 per Cent., and not exceeding 400*l.* as soon as 10*s.* paid in the Pound; 7½ per Cent., and not exceeding 500*l.*, if 12*s.* 6*d.* 10 per Cent., and not exceeding 600*l.*, if 15*s.*

Allowance when payable.

Allowance if at Expiration of 12 Months Dividends be under 10*s.*

XLIV. And be it enacted, That every Bankrupt who shall have obtained his Certificate under any Fiat issued after the Commencement of this Act, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved Debts under the Fiat Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; and provided always, that such Allowance as aforesaid shall not be payable to any Bankrupt until after the Expiration of Twelve Months from the Date of the Fiat, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts under the Fiat being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid as aforesaid shall not amount to Ten Shillings in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding Three Pounds *per Centum* and Three hundred Pounds.

One Partner may receive Allowance, though others not entitled.

XLV. And be it enacted, That in all joint Fiats under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate, and upon the separate Estate of such Partner, he shall be entitled to his Allowance although his other Partner may not be entitled to any Allowance.

Fiats in Bankruptcy, not directed to the Court of Bankruptcy, to be directed to some one of the Courts authorized to act in the Prosecution of Fiats in the Country, to be prosecuted in such Court.

XLVI. 'And whereas Fiats in Bankruptcy against Traders residing within a limited Distance from 'London are usually exclusively directed to the Court of Bankruptcy, and such Distance may, in conse- 'quence of the increased Facility of Communication, be without Inconvenience considerably extended; 'and it is expedient to make better Provision for the Prosecution of Fiats in Bankruptcy not directed to 'the Court of Bankruptcy;' be it enacted, That every Fiat in Bankruptcy issued after the Commencement of this Act, not directed to the Court of Bankruptcy, shall be directed to such one of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy in the Country, as herein-after provided, as the Lord Chancellor, or as the Master of the Rolls, One of the Vice Chancellors, or One of the Masters of the Court of Chancery acting under any Appointment of the Lord Chancellor to be given for that Purpose, by such Fiat may think to nominate, to be prosecuted in such Court, and that every such Fiat shall be thereupon prosecuted the Court to which the same shall be so directed, and it shall be lawful for such Court to proceed thereon in all respects as Commissioners of Bankrupt acting in the Prosecution of a Fiat in Bankruptcy elsewhere than in the Court of Bankruptcy before the passing of this Act, save and except as such Proceeding may be altered by virtue of this Act; and that in every Bankruptcy prosecuted in any such Court every such Court shall have all the Power, Jurisdiction, and Authority, and be subject to the Duty, by any Act of Parliament now in force vested in or imposed upon such Commissioners, in all respects as if such Court were Commissioners of Bankrupt returned and appointed under the said recited Act, save and except as may be otherwise directed by this Act.

Fiats in the Country, and Proceedings thereon, to be sent to Court of Bankruptcy.

XLVII. And be it enacted, That every Fiat in Bankruptcy prosecuted in the Country, and the Proceedings under such Fiat, or any Part of such Proceedings, or Copies or Minutes of every such Fiat and Proceedings, or Part thereof, at such Time and in such Manner and Form as the Lord Chancellor shall direct, shall be transmitted by the Court acting in the Prosecution of such Fiat to the Court of Bankruptcy in *London*, to be there filed and kept among the Records of the said Court.

Appointment of Official Assignees. Their Duty.

XLVIII. And be it enacted, That a Number of Persons, not exceeding Thirty in the whole, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade in the United Kingdom, shall be chosen by the Lord Chancellor to act as Official Assignees in all Bankruptcies prosecuted in the Country, one of which said Official Assignees shall in all Cases be an Assignee of each Bankrupt's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such Security, to be subject to such Rules, to be selected for such Estate, and to act in such Manner, as the Lord Chancellor, or as the Court of Review or Judge or any Commissioners of the Court of Bankruptcy, if authorized so to do by any Order of the Lord Chancellor, shall from Time to Time direct; and all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of every Bankrupt, shall in every Case be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Lord Chancellor, or by the Court acting in the Prosecution of the Bankruptcy, if authorized so to do by any General or other Order of the Lord Chancellor, and whether such Official Assignee be appointed under the Provisions of the said recited Act or of this Act; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, *India* Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to such Order, Rule, and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor, or as the Court of Review or Judge or Commissioner of the Court of Bankruptcy, if authorized so to do by any Order of the Lord Chancellor, shall direct; and if any such Assignee shall neglect to make such Transfer, Delivery, or Payment, every such Assignee shall be liable to be charged in the same Manner as is provided in Cases of Neglect by Assignees to invest Money in the Purchase of Exchequer Bills when directed so to do: Provided always, that until Assignees shall be chosen by the Creditors of each Bankrupt such Official Assignee so to be appointed to act with the Assignees to be chosen by the Creditors shall be enabled to act, and shall be deemed to be, to all Intents and Purposes whatsoever, a sole Assignee of each Bankrupt's Estate and Effects.

Proviso restricting the Authority of Official Assignees.

XLIX. Provided always, and be it enacted, That nothing herein contained shall extend to authorize any such Official Assignee to interfere with the Assignees chosen by the Creditors in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Bankrupt's Estate or Effects.

Lord Chancellor may remove Official Assignees, and may fill up Vacancies in their Number.

L. And be it enacted, That it shall be lawful for the Lord Chancellor to remove any Official Assignee whether appointed under the Provisions of the said recited Act or of this Act, and from Time to Time, as any Vacancy may occur in the said before-mentioned Number of Official Assignees, to appoint some other such Person as aforesaid to fill any Vacancy so occurring; and in case of the Death or Removal of any such Official Assignee who shall have been appointed to act in any Bankruptcy it shall be lawful for the Court authorized to act in the Prosecution of such Bankruptcy to appoint another Official Assignee of the Number hereby prescribed to act (subject as aforesaid) in the same Bankruptcy in the Place of the Assignee who shall have so become dead or been removed.

LI. And

Official Assignee invested with the same Powers, &c. as Official Assignees under former Act.

His Remuneration.

LI. And be it enacted, That every Official Assignee of any Bankrupt's Estate appointed under the Provisions of this Act shall have all the same Rights, Powers, Privileges, and Exemptions as are possessed by Official Assignees appointed under the said recited Act, and the Enactments therein contained in that Behalf, and, in relation to the Evidence of the Appointment of Bankrupts Assignees, shall extend and be applied to Official Assignees to be appointed under this Act, except as otherwise directed by this Act; and that every Official Assignee, whether appointed under the Provisions of the said recited Act or of this Act, shall be entitled to be paid out of the Bankrupt's Estate, by way of Remuneration for his Services, such Sum of Money as to the Court named in and acting under the Fiat in prosecution against such Bankrupt may seem just and reasonable, having regard to the Amount of the Bankrupt's Property, and the Nature of the Duties to be performed by such Official Assignee, subject, nevertheless, to such General or Special Orders in relation thereto as may from Time to Time be made by the Lord Chancellor in that Behalf.

Bankruptcies depending in the Country to be removed into such of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy as the Lord Chancellor may think fit.

LII. And be it enacted, That all Power, Jurisdiction, and Authority of the Commissioners named in any Fiat of Bankruptcy issued before the Commencement of this Act, to be prosecuted elsewhere than in the City of *London*, shall cease and determine; and that the Lord Chancellor shall have Power from Time to Time, by any General or other Order or Orders under his Hand, to transfer and remove into the Court of Bankruptcy, or such of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy by virtue of this Act as he may deem fit, any such Fiat, and that all further Proceedings in every such Fiat shall be thenceforth prosecuted and carried on in the Court to which the same shall be so transferred, in like Manner as if the Proceedings under such Fiat had been originally commenced therein by virtue of a Fiat under the Hand of the Lord Chancellor issued pursuant to the said recited Act, or to this Act, save as may be otherwise directed by this Act; provided always, that nothing herein contained shall render invalid any Proceedings which may have been had under any Fiat in Bankruptcy now subsisting, or which shall have been issued before this Act shall come into operation, or affect or lessen any Right, Claim, Demand, or Remedy which any Person now has thereunder, or upon or against any Bankrupt against whom any such Fiat has or shall have issued as aforesaid, except as herein specially enacted.

Power to appoint Official Assignees to act with the existing Assignees under such Bankruptcies, and to whom the latter shall deliver over Effects.

LIII. And be it enacted, That it shall be lawful for the Court which shall thenceforth act in the Prosecution of such Fiat, at its Discretion, to appoint some one of the Official Assignees appointed or to be appointed under the said recited Act or this Act to act with the existing Assignees, if any, under such Fiat, and to direct the existing Assignees to pay and deliver over to such Official Assignee all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees, save where it shall be otherwise directed by the Lord Chancellor or by the Court acting in the Prosecution of such Fiat, if authorized so to do by any General or other Order of the Lord Chancellor; and all the Real and Personal Estate of the Bankrupt under such Fiat shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the said Bankruptcy had originally been commenced by virtue of this Act, without prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the passing of this Act.

To exempt Official Assignee from personal Liability.

LIV. And be it enacted, That no Official Assignee shall be deemed personally responsible or liable for any Act done by him or by his Order or Authority in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which the Adjudication of Bankruptcy under such Fiat shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication.

Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee before final Dividend.

LV. And be it enacted, That Fourteen Days before a final Dividend shall be advertised under any Bankrupt's Estate, there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected, a Copy of which Account shall be delivered to any Creditor who shall apply for the same and have proved or claimed a Debt under such Fiat, upon his applying for the same to the Official Assignee, and to any other Person, such Person, not being a Creditor, paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court authorized to act in the Prosecution of such Fiat.

Like Sums to be paid under Fiats prosecuted in the Country as under Fiats in London.

LVI. And be it enacted, That there shall be paid, in like Manner, by the Official Assignee of each Bankrupt's Estate to be administered in the Country, the like Sums as by the said recited Act are directed to be paid by the Official Assignee of each Bankrupt's Estate to be administered in the Court of Bankruptcy; and such Sums hereby directed to be paid shall be placed by the Accountant in Bankruptcy to the like Accounts respectively, and be subject to the like Orders and Directions of the Lord Chancellor, to which the said Sums mentioned in the said recited Act are thereby directed to be placed and to be subject respectively.

Like Sums to be paid on Fiats moved into the Court of Bankruptcy, &c. under which the Choice of Assignees shall have taken place, as on Commission under like Circumstances.

LVII. And be it enacted, That in all Cases of Fiats in Bankruptcy which, by virtue of the Provisions herein contained, shall be removed into the Court of Bankruptcy, or into any of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy by virtue of this Act, and under which the Choice of Assignees shall have taken place prior to the Commencement of this Act, there shall be paid, in like Manner, by the Assignees of every such Bankrupt's Estate, on every Sitting under such Bankruptcy, the like Sum as by the said recited Act is directed to be paid on every Sitting in Cases of Commissions of Bankrupt which by virtue of the Powers therein contained should be removed into the said Court of Bankruptcy, and under which the Choice of Assignees should have taken place prior to the Commencement of the said Act; and such Sum hereby directed to be paid shall be placed by the said Accountant in Bankruptcy to the like Account, and be subject to the like Orders and Restrictions, to which

which the said Sum in that Behalf mentioned in the said recited Act is thereby directed to be placed and to be subject.

Compensation to such existing Commissioners in the Country as the Lords of the Treasury deem entitled thereto.

LVIII. 'And whereas the Duties of the several Persons now acting as Commissioners of Bankrupt in 'Districts and Places for which such Persons shall have been returned and appointed under the Provisions 'of the said recited Act, and the Fees and Emoluments accustomed to be received by them, will be 'abolished by the Provisions of this Act, and it may be just and necessary that in some such Cases 'Compensation should be made in respect of such Fees so to be abolished;' be it enacted, That it shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, to inquire into and ascertain the annual Amount of the lawful Fees and Emoluments of such Commissioners received by them, and to award to such One or more of the said Commissioners as they shall deem to be entitled to the same an Annuity or Annuities, of such Amount and for such Term as the said Lords of the Treasury shall find to be a fair and reasonable Compensation for the Loss to be sustained by such of the said Commissioners, and shall certify the Amount of such Annuity, in Writing under their Hands, to the Lord Chancellor, who shall thereupon have Power to order the Amount so certified as payable to each such Commissioner to be paid out of the Monies standing to the Credit of the Accountant in Bankruptcy in the Bank of *England*, to the Account intituled "The Secretary of Bankrupts Compensation Account," (but subject and without prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force authorized to be paid thereout,) and the same shall be payable and paid accordingly to such respective Persons aforesaid, without any Deduction whatsoever: Provided always, that the annual Sum to be so payable to any Commissioner shall not exceed Two Thirds of the average annual Amount of the Sums (other than any Sum or Sums for travelling) received by them respectively as such Commissioners for the last Five Years, or such Portion of that Period as any of them acted as a Commissioner, and that such Annuity shall not be paid to any Commissioner who at any Time after the Commencement of this Act shall be appointed to hold any public Office or Employment of an annual Value greater than the Annuity to be so certified as payable to him, so long as any such Office or Employment shall be so held; and provided also, that no Person shall be entitled to such Compensation or Allowance as aforesaid whose Appointment to his Office was qualified by any Condition or Reservation expressed in his Appointment, or otherwise made known to such Person, that such Office or the Emoluments thereof were to be held and enjoyed subject to any future Provisions to be made by Parliament touching the same, or without any Claim to Compensation in case the same should cease, or be subjected to any Regulation.

Her Majesty may appoint additional Commissioners of the Court of Bankruptcy to act in the Prosecution of Fiats in Bankruptcy in the Country, in such Districts as Her Majesty in Council shall think fit;

LIX. And be it enacted, That it shall be lawful for Her Majesty, after the passing of this Act, by a Commission or Commissions under the Great Seal, to appoint as many Persons as Her Majesty shall think fit, not exceeding Twelve Persons, being Serjeants or Barristers at Law of not less than Seven Years standing at the Bar, to be Commissioners of the Court of Bankruptcy, in addition to the present Commissioners of the said Court, to act in the Prosecution of Fiats in Bankruptcy in the Country, and that they and their Successors shall take the like Oath before the Lord Chancellor as is at present administered to Commissioners of the said Court, and having once taken the said Oath shall not be again required to take the same; and that any One or more of such additional Commissioners shall and may form a District Court of Bankruptcy for the Purpose of this Act, and that every such Court shall be authorized to act in the Prosecution of Fiats in Bankruptcy in the Country, at such Place and in and for such District as Her Majesty, with the Advice of Her Privy Council, shall be pleased to direct; and that it shall be lawful for Her Majesty, with the Advice aforesaid, to describe, and from Time to Time to alter, the Limit and Extent of every such District as to Her Majesty shall seem fit: Provided always, that nothing herein contained shall prevent the Lord Chancellor, when he shall deem it expedient, from directing any Fiat in Bankruptcy to the Court of Bankruptcy.

and Successors to such Commissioners.

LX. And be it enacted, That upon the Death, Resignation, or Removal from Office of any of the said additional Commissioners, or of any of their Successors, it shall be lawful for Her Majesty from Time to Time, by a Commission under the Great Seal, to supply such Vacancy.

Her Majesty may appoint additional Deputy Registrars for the Country.

LXI. And be it enacted, That it shall be lawful for Her Majesty, after the passing of this Act, under Her Royal Sign Manual, from Time to Time to appoint any Number not exceeding Twelve Deputy Registrars, in addition to the present Deputy Registrars in the Court of Bankruptcy, to act as such in the Country, and to attend upon and assist the said additional Commissioners of the Court of Bankruptcy in the Prosecution of Fiats in Bankruptcy in the Country, in such Manner as may be found most expedient for furthering such Business, and as the Lord Chancellor shall from Time to Time by any Order direct.

Additional Commissioners and Deputy Registrars to hold their Offices during good Behaviour, and to be subject to like Privileges, &c. as the present.

LXII. And be it enacted, That the additional Commissioners and Deputy Registrars to be appointed under this Act shall hold their respective Offices during their good Behaviour, and that they shall be subject and liable to such and the like Privileges, Prohibitions, Disabilities, Prosecutions, Penalties, and Punishments as are by the said recited Act imposed or directed with respect to the Commissioners and Deputy Registrars appointed under such Act, and the Enactments therein contained in that Behalf, except as otherwise directed by this Act, shall extend and be applicable to the additional Commissioners and Deputy Registrars to be appointed under this Act; and that after the passing of this Act, on the Death, Resignation, Promotion, or Removal of either of the Two Registrars for the Time being of the Court of Bankruptcy, the Vacancy thereby occasioned shall be filled up by such one of the Deputy Registrars for the Time being appointed or to be appointed by virtue of the said recited Act or of this Act as the Lord Chancellor shall think fit to appoint.

LXIII. And

Accountant, Registrars, &c. exempt from Juries and parochial Offices.

LXIII. And be it enacted, That the Accountant in Bankruptcy, the Registrar and Deputy Registrars of the Court of Bankruptcy, and also the Official Assignees and the Messengers and Ushers of the said Court, for the Time being, shall be exempt and disqualified from being returned and from serving on any Juries or Inquests whatsoever, and shall not be inserted in any Lists of Men qualified or liable to serve as Jurors, and that they shall also be exempt and disqualified from serving any parochial Office whatsoever.

Court of Review.

LXIV. And be it enacted, That from and after the passing of this Act the Court of Review in Bankruptcy may be formed by One Judge of the said Court.

Rank, &c. of Judges.

LXV. And be it enacted, That the Judges of the Court of Review in Bankruptcy shall take Rank and Precedence next after the Judges of the Superior Courts of *Westminster Hall*.

Jurisdiction of Courts acting under Fiats in Bankruptcy.

LXVI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any General or other Order, whenever he shall think fit, to direct the Court authorized to act in the Prosecution of any Fiat in Bankruptcy to hear, determine, and make Order in any Matter in Bankruptcy heretofore within the original Jurisdiction of the Court of Review, or any Judge of the said Court; provided nevertheless, that any such Order shall be subject to be discharged, reversed, or altered by the Court of Review upon an Appeal, and that any Commissioner of the Court of Bankruptcy authorized to act in the Prosecution of any Fiat directed to the Court of Bankruptcy shall be deemed and taken to be a Court authorized to act in the Prosecution of such Fiat, and that all Matters and Duties by this Act directed or authorized to be done and performed by the Court of Bankruptcy shall and may be done and performed by any One or more of the Commissioners appointed or to be appointed by virtue of the said recited Act, and that every Court authorized to act and acting in the Prosecution of any Fiat in Bankruptcy now issued, or hereafter to be issued, or in execution of any Duty imposed or to be imposed on such Court by this or any other Act hereafter to be in force, shall have, use, and exercise all the Powers, Rights, Privileges, and Incidents of a Court of Record.

Before whom Affidavits are to be sworn.

LXVII. And be it enacted, That all Affidavits to be made or used in Matters of Bankruptcy, or under or by virtue of any Statute relating to Bankrupts or of this Act, shall and may be sworn before the Court of Review, or before either of the Subdivision Courts in Bankruptcy, or any Commissioner, or the Master or any Registrar or Deputy Registrar of the Court of Bankruptcy, or Master in Ordinary or Extraordinary of the High Court of Chancery, or in *Scotland* or *Ireland* before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Court may take Evidence vivâ voce or upon Affidavit.

LXVIII. And be it enacted, That it shall be lawful for the said several Subdivision Courts, and the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, in all Matters within the Jurisdiction of such respective Courts, to take the Whole or any Part of the Evidence either *vivâ voce* on Oath, or upon Affidavits to be sworn as aforesaid.

Costs may be awarded.

LXIX. And be it enacted, That it shall be lawful for the said several Subdivision Courts, and the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, in all Matters before such Courts respectively, to award such Costs as to such Courts shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person by any such Court it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts as *Westminster* may be recovered; and that the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs.

Rules to be made for regulating the Forms of Proceedings, &c.

LXX. And be it enacted, That it shall be lawful for the Commissioners of the Court of Bankruptcy authorized to act in the Prosecution of Fiats in Bankruptcy in *London*, or the major Part of them, and such of the Commissioners to be appointed under this Act as shall be nominated by the Lord Chancellor for that Purpose to make from Time to Time, subject to the Sanction and Confirmation of the Lord Chancellor, General Rules and Orders for regulating the Forms of Proceedings (where not provided for by this Act) and the Practice to be observed in every Court authorized to act in the Prosecution of Fiats in Bankruptcy.

Building for the Transaction of Business in Bankruptcy in London vested in the Commissioners of the Court of Bankruptcy for the Time being appointed under 1 & 2 W. 4. c. 56. 1 & 2 G. 4. c. 115.

LXXI. And be it enacted, That the Piece or Parcel of Ground described in and conveyed by the Indenture of Feoffment recited in an Act made and passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal so much of an Act of the Fifth Year of the Reign of His late Majesty King* George *the Second, relating to Bankrupts, as requires the Meetings under Commissions of Bankrupt to be holden in the Guildhall of the City of* London, *and for building Offices in the said City for the Meetings of the Commissioners, and for the more regular Transaction of Business in Bankruptcy*, or expressed so to be, and all Erections and Buildings now or hereafter to be erected and built thereon, and the Fee Simple and Inheritance thereof, shall from henceforth be and become, and remain and continue vested in Her Majesty's Commissioners for the Time being of the Court of Bankruptcy acting in the Prosecution of Fiats in Bankruptcy in *London*, and their Successors, as Commissioners of the said Court, in Trust for Her Majesty, for the same Intent and Purpose as by the said Act is enacted and declared concerning the Commissioners and Trustees thereby nominated; and the Person or Persons now being Commissioners and Trustees by virtue of the said Act shall cease to be such Commissioners or Trustees; and the said Commissioners for the Time being of the said Court, and their Successors, shall and may in all things act in the further Management, carrying on, and Execution of the Purposes and Trusts of the said Act, and with the like Power and Authority, to all Intents and Purposes, as is given by the said Act to the Commissioners and Trustees therein

therein named; and the Clauses and Provisions in the said Act applicable to the Commissioners and Trustees therein named shall extend and be applicable to the said Commissioners for the Time being of the said Court, in the further Execution of the Purposes and Trusts of the said Act.

Name of the Building.

LXXII. And be it enacted, That the Building erected on the said Piece or Parcel of Ground shall from and after the passing of this Act be called the Court of Bankruptcy.

Registrar to enter in Books an Abstract of all Proceedings filed in the Court, in an approved Form.

LXXIII. And be it enacted, That the Registrar of the Court of Bankruptcy for the Time being acting at the said Court in *Basinghall Street* shall keep Books in which he shall enter, in a Form to be prepared by him, subject to the Sanction of the Commissioners of the Court of Bankruptcy acting in the City of *London* as aforesaid, or the major Part of them, and approved of by the Lord Chancellor, an Abstract of the Proceedings filed in the Court of Bankruptcy, or such Part thereof as shall be necessary to give a correct View of the Estate to which such Proceedings shall relate, and the Management thereof, with an Alphabetical Index to each Book, and a General Alphabetical Index to the whole of such Books, which Books shall be open to all concerned.

Office of Clerk of Enrolments, on Vacancy, to be abolished, and Duties performed by the Registrar.

LXXIV. And be it enacted, That as and when any Vacancy may occur by the Death, Removal, or Retirement of the Clerk of Enrolments to the Court of Bankruptcy, such Vacancy shall not be supplied, but the Duties and Business of such Officer shall thenceforth be performed by the Registrar of the Court of Bankruptcy acting in *Basinghall Street* as aforesaid, who shall, with respect to such Duties and Business, stand and be in the Place of such Officer to all Intents and Purposes whatsoever.

Registrar to pay Fees for entering Fiats, &c. of Record into the Bank of England. 2&3 W. 4. c. 114. s. 6.

LXXV. And be it enacted, That all such Fees as are receivable by virtue of an Act passed in the Second and Third Years of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, and directed to be applied as therein mentioned, shall, from and after the Death, Removal, or Retirement of the said Clerk of Enrolments, be received by the said Registrar for the Time being acting in *Basinghall Street* as aforesaid, and be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Secretary of Bankrupts Account," and shall be applicable to all the Purposes of the said Account, and be subject to the like Orders as other Monies paid or directed to be paid in to the said Account.

Salaries to Judge, Commissioners, and other Officers of the Court of Bankruptcy, to be paid out of the Fund intituled "The Secretary of Bankrupts Account."

LXXVI. And be it enacted, That out of the Fund placed to the Credit of the Accountant in Bankruptcy, intituled "The Secretary of Bankrupts Account," there shall be paid, by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be from Time to Time made for that Purpose without any Draft from the Accountant in Bankruptcy, the several Salaries herein-after mentioned; that is to say, the net yearly Sum of Two thousand five hundred Pounds to Sir *John Cross* Knight, Judge of the Court of Bankruptcy, and his Successors in the Office of such Judge; the net yearly Sum of Two thousand Pounds to each Commissioner of the said Court appointed under the said recited Act, and acting in the Prosecution of Fiats in Bankruptcy in the City of *London*, and his Successors in the Office of such Commissioner; the net yearly Sum of One thousand eight hundred Pounds to each Commissioner of the said Court to be appointed under this Act to act in the Prosecution of Fiats in Bankruptcy in the Country, and his Successors in the Office of such Commissioner; the net yearly Sum of One thousand Pounds to each Registrar of the said Court appointed under the said recited Act, and his Successors in such Office; the net yearly Sum of Eight hundred Pounds to each Deputy Registrar of the said Court appointed under the said recited Act, and acting as such in the City of *London*, and his Successors in such Office; and the net yearly Sum of Six hundred Pounds to each Deputy Registrar of the said Court to be appointed under this Act to act as such in the Country, and his Successors in such Office; which Salaries shall be free from all Taxes, Deductions, and Abatements whatsoever out of the same, or any Part thereof, except the Tax on Income, and shall be paid quarterly, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions; and the First of such Payments to the said Judge, and each Commissioner, Registrar, and Deputy Registrar, acting in *London* as aforesaid, or a proportionate Part thereof, to be computed from the Time of the passing of this Act, or, as to any such Officer appointed after the passing of this Act, from the Time of his Appointment, shall be made on such of the same Days of Payment as shall first happen after the passing of this Act, or Date of the Appointment of such Officer, as the Case may be; and the First of such Payments to each Commissioner and Deputy Registrar to be appointed under this Act to act in the Country as aforesaid, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Commissioner and Deputy Registrar respectively, shall be made on such of the same Days of Payment as shall first happen after the Date of such Appointment; and that upon the Resignation, Death, or Removal from Office of any such Judge, Commissioner, Registrar, or Deputy Registrar respectively, such Judge, Commissioner, Registrar, and Deputy Registrar respectively, or their respective Executors and Administrators, as the Case may be, shall be paid such proportionate Part of their respective Salaries aforesaid as shall have accrued from the Times of the Commencement of such Salaries respectively, or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office; and that the succeeding Judge, Commissioner, Registrar, and Deputy Registrar respectively shall be paid such proportionate Part of their respective Salaries as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Judge, Commissioner, Registrar or Deputy Registrar respectively.

Power to Lord Chancellor to

LXXVII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the Lord Chancellor to be made from Time to Time on a Petition presented to him for that

Purpose, to order (if he shall so think fit) to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout,) the Annuities following; that is to say, an Annuity or clear yearly Sum of Money not exceeding One thousand five hundred Pounds to Sir *John Cross* Knight, Judge of the Court of Bankruptcy, or any of his Successors in the Office of such Judge; an Annuity or clear yearly Sum of Money not exceeding One thousand two hundred Pounds to any Commissioner of the Court of Bankruptcy appointed under the said recited Act, or any of his Successors in the Office of such Commissioner; an Annuity or clear yearly Sum of Money not exceeding One thousand Pounds to any Commissioner of the Court of Bankruptcy to be appointed under this Act, or any of his Successors in the Office of such Commissioner, if and when any such Judge or Commissioner shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or clear yearly Sum mentioned in any such Order shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid) by equal quarterly Payments on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Judge or Commissioner from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

order Retiring Annuity to Judge and Commissioners of the Court of Bankruptcy and their Successors.

LXXVIII. And be it enacted, That out of the Interest and Dividends that have arisen or may arise from the Government or Parliamentary Securities now or hereafter to be placed in the Bank of *England* to the said Account intituled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor, to be made from Time to Time for that Purpose, the Salaries and Sums following; that is to say, to the Accountant in Bankruptcy, such Sum by way of Salary as the Lord Chancellor shall direct, not exceeding the yearly Sum of One thousand five hundred Pounds, to be paid and payable in like Manner and at such Times as the Salary heretofore payable to the Accountant in Bankruptcy, and such further annual Sum as the Lord Chancellor shall think reasonable for the Payment of such Salaries as the Lord Chancellor shall direct to the Clerks for the Time now being, and their Successors, and to such additional Clerks to such Accountant or to the Registrar of the Court of Bankruptcy acting at the said Court in *Basinghall Street*, as the Lord Chancellor shall deem fit to appoint, and Authority is hereby given to the Lord Chancellor to appoint such Clerks, and to reduce or increase the Number of Clerks to the said Accountant or Registrar as Occasion may be or require, the same Salaries to be paid quarterly on such Days and in such Manner as the Lord Chancellor shall by any Order in that Behalf direct, and also, to such Persons as the Lord Chancellor shall direct, such Sum or Sums of Money as the Lord Chancellor shall think reasonable, for Expences to be incurred at any Time after the passing of this Act, with the Sanction and Approval of the Lord Chancellor, in providing and keeping in repair Courts in the Country with necessary Appurtenances for the Purposes of this Act, or in Alterations or Improvements of the Offices of the said Accountant and of the Registrars of the Court of Bankruptcy, or any other of the Offices of the same Court, for the Purpose of rendering the same fit for the convenient Reception and Despatch of the Business of such Offices, and for the convenient Occupation of the Officers of the said Court, and for the Supply of Law Books for the Use of the said Court, or generally for such Expences in carrying this Act into effect as the Lord Chancellor may think fit; and also such annual Sum or Sums of Money as the Lord Chancellor shall think reasonable for the Rent of any Buildings or Rooms which by any Order of the Lord Chancellor may be taken for any Officers of the said Court, or otherwise for the Use of the said Court, and for keeping up a necessary Supply of Books for the Use of the said Court; and the several Courts which shall be provided by virtue of this Act, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners to be appointed under this Act for the Time being, forming such respective Courts, and their Successors in such Office, in Trust for the Purposes of this Act; and there shall be charged to and paid out of the Estate of the Bankrupt under every Fiat prosecuted in the Country, for every Sitting under such Fiat, the Sum of Ten Shillings, by way of Charge for the Use of the Court, such Charge to be received and accounted for and paid into the Bank of *England* to the Account intituled "Interest arising from the Bankruptcy Fund Account," at such Time and in such Manner as the Lord Chancellor shall from Time to Time direct, and such Charge to be subject to Abolition or Reduction as the Lord Chancellor may in his Discretion think fit, having regard from Time to Time to the Amount of the Interest and Dividends arising from the Bankruptcy Fund Account, and the Charges thereupon.

Provision for Salary of Accountant in Bankruptcy; for Appointment of such additional Clerks to such Accountant, or to the Registrar, as the Lord Chancellor may think fit;

and also for Expences to be incurred for the Purposes of the Act.

The Courts provided for the Purposes of this Act to vest in the respective Commissioners.

Charge for the Use of the Court.

LXXIX. And be it enacted, That every Warrant issued by any Court authorized to act in the Prosecution of Fiats in Bankruptcy shall be under the Hand and Seal of One of the Commissioners acting in the Prosecution of Fiats in Bankruptcy in such Court; and every Summons issued by any such Court shall be in Writing under the Hand of One of such Commissioners.

Issuing of Warrant and Summons.

LXXX. And be it enacted, That if in any Case it shall be shown by Affidavit to the Satisfaction of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, by which a Summons shall have been issued, that the Party to whom such Summons is directed is keeping out of the Way, and cannot be personally served with such Summons, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court by which such Summons shall have been issued to order, by Endorsement upon such Summons, that the Delivery of a Copy of such Summons to the Wife or Servant, or some adult Inmate

How Summons may be served where the Party is keeping out of the Way.

Inmate of the House or Family of the Party, at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service, and in every such Case the Service of such Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if a Copy of such Summons had been delivered to the Party in Person.

Punishment of Persons giving false Evidence.

LXXXI. And be it enacted, That any Bankrupt or other Person who shall, upon any Examination upon Oath or Affirmation before the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, or in any Affidavit or Deposition, or solemn Affirmation, authorized or directed by this or any other Act relating to Bankrupts, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm any thing which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Application of Forfeitures.

LXXXII. And be it enacted, That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath hereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be divided among the Creditors.

Charges of Auctioneers, Appraisers, &c. to be settled by the Court.

LXXXIII. And be it enacted, That all Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant employed by any Assignee or Messenger, or Bankrupt under any Fiat in Bankruptcy, for Business done under such Employment, shall be settled by the Court authorized to act in the Prosecution of such Fiat, and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Power to Lord Chancellor to order Retiring Pension to Accountant in Bankruptcy, Registrars, &c.

LXXXIV. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the Lord Chancellor, to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Accountant in Bankruptcy, or of Registrar or Deputy Registrar under the said recited Act or this Act, not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England*, out of the Interest and Dividends of the said Securities, (but subject and without Prejudice as aforesaid,) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Person, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

Courts acting in the Prosecution of Fiats in Bankruptcy to be auxiliary to each other for Proof of Debts and Examination of Witnesses.

LXXXV. And be it enacted, That the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy by the said recited Act or by this Act shall be auxiliary to each other for Proof of Debts and for the Examination of Witnesses on Oath, or for either of such Purposes; and the Court so acting as auxiliary in the Prosecution of any Fiat in Bankruptcy in the Examination of Witnesses shall possess the same Powers to compel the Attendance of and to examine Witnesses, and to enforce both Obedience to such Examination and the Production of Books, Deeds, Papers, Writings, and other Documents as are possessed by the Court to which such Fiat is directed: Provided always, that all such Examinations of Witnesses shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings under such Fiat, and that no such Proof of Debts or Examination of Witnesses in the Prosecution of any Fiat shall be taken by any such auxiliary Court without the Permission in Writing of the Court to which such Fiat is directed.

Lord Chancellor may authorize any Commissioner, &c. of the Court in London to act for or in aid of any Country Commissioner or Deputy Registrar, and vice versâ; or any Country Commissioner or Deputy Registrar of one District to act in any other District.

LXXXVI. 'And whereas the Business in Bankruptcy is liable to Fluctuation: And whereas some One 'or more of the Commissioners or Deputy Registrars of the Court of Bankruptcy appointed or to be 'appointed by virtue of the said recited Act or of this Act may occasionally from Illness or other 'reasonable Cause be absent, and it is expedient to make Provision for such Circumstances;' be it enacted, That it shall be lawful for the Lord Chancellor (as Occasion may require, and for such Time as the Lord Chancellor shall think fit to allow,) to authorize any One or more of the Commissioners or Deputy Registrars respectively of the Court of Bankruptcy, appointed or to be appointed by virtue of the said recited Act, or other Person having the like Qualification as is required by the said recited Act for a Commissioner or Deputy Registrar of the said Court, to act in any District in the Country, for or in aid of any One or more of the Commissioners or Deputy Registrars respectively of the Court of Bankruptcy to be appointed by virtue of this Act, and so *vice versâ*; and it shall also be lawful for the Lord Chancellor (as Occasion may require, and for such Time as the Lord Chancellor shall think fit to allow,) to authorize any One or more of the Commissioners or Deputy Registrars respectively to be appointed by virtue of this Act, and authorized to act under the Provisions of this Act in any One District in the Country, to act for or in aid of any One or more of the Commissioners or Deputy Registrars respectively to be appointed by virtue of this Act, and authorized to act in any other District in the Country; and that any Commissioner or Deputy Registrar respectively of the said Court, or other Person so acting as aforesaid, shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Commissioner or Deputy Registrar respectively for or in aid of whom such Commissioner or Deputy Registrar shall so act.

LXXXVII. And

Travelling Expences, &c. of Commissioners to be paid out of "The Bankruptcy Fund Account," and the Amount thereof to be in the Discretion of the Lord Chancellor.

LXXXVII. Provided always, and be it enacted, That any Commissioner or Deputy Registrar of such Court, or other Person so acting for or in aid of any Commissioner or Deputy Registrar thereof, shall have paid to him (and in the Case of a Commissioner or Deputy Registrar so acting, in addition to his Salary as such Commissioner or Deputy Registrar,) by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor, to be made from Time to Time for that Purpose, out of the Interest and Dividends that have arisen or may arise from the said Securities now or hereafter to be placed in the Bank of *England* to the said Account intituled "The Bankruptcy Fund Account," (but subject and without prejudice as aforesaid,) such Sum of Money, in the Case of any Commissioner or Deputy Registrar so acting, for travelling and other Expences, and in the Case of any other Person so acting, for Services, travelling and other Expences, as the Lord Chancellor shall deem fit.

Secretary of Bankrupts to receive and account for a certain Fee.

LXXXVIII. And be it enacted, That it shall be lawful for the Lord Chancellor's Secretary of Bankrupts for the Time being and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the Fee or Sum of Two Shillings and Sixpence for every certified Copy of Declaration of Insolvency, and the Amount to be so received shall be by the said Secretary carried to the Account of the First Schedule of Fees annexed to the said recited Act, and be applied to the Purposes of the said Schedule.

Fees to be taken and accounted for by the Chief Registrar.

LXXXIX. And be it enacted, That it shall be lawful for the Chief Registrar of the Court of Bankruptcy for the Time being, and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the several Fees and Sums set forth in the Schedule of Fees hereto annexed, in respect of the Business therein specified, which shall be transacted in *London*, and the Amount to be so received shall be by him accounted for and applied in Payment of such Salaries and Sums of Money to Clerks, Ushers, and other under Officers of the Court of Bankruptcy in *London* as the Lord Chancellor may from Time to Time direct and appoint, and the yearly Surplus (if any) of such Monies shall be divided between the Two Registrars and the Deputy Registrars of the said Court acting in *London* in such Proportions as the Lord Chancellor shall appoint.

Fees to be taken and accounted for in the Country District Courts.

XC. And be it enacted, That there shall be received and taken in the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy in the Country the several Fees and Sums in the said Schedule of Fees hereto annexed, in respect of the Business therein specified which shall be transacted in the Country; and that all such Fees shall be accounted for and paid over to the Chief Registrar of the Court of Bankruptcy acting in *London*, and shall be by him accounted for and applied in Payment of such Salaries and Sums of Money to Ushers and other under Officers of such Courts in the Country as the Lord Chancellor may from Time to Time direct and appoint, and the yearly Surplus (if any) of such Monies shall be divided between the several Deputy Registrars of such Courts in the Country in such Proportions as the Lord Chancellor shall appoint.

Power to Lord Chancellor to reduce Fees.

XCI. Provided always, and be it enacted, That the Lord Chancellor shall have the like Power to abolish or reduce the Fees mentioned in the said Schedule of Fees hereunto annexed, and to provide for the Salaries and Sums hereby made payable out of the said Fees, as he now has to abolish or reduce the Fees mentioned in the Second Schedule of Fees annexed to the said recited Act, and to provide for the Salaries and Sums by the said recited Act made payable out of the said last-mentioned Fees; and it is hereby further provided, that on or before the First Day of *March* One thousand eight hundred and forty-four if Parliament be then sitting, or if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by the Chief Registrar of the Court of Bankruptcy for the Time being a Return, made up to the Thirty-first Day of *December* then last, of the total Amount of Fees received by or accounted for to him under the Provisions of this Act, and of the Application of such Fees, and a like Return shall be afterwards made annually at the same Period for the then preceding Year up to the Thirty-first Day of *December* then last.

Returns to be made to Parliament annually by Accountant in Bankruptcy and by Official Assignees.

XCII. And be it enacted, That on or before the First Day of *March* in every Year if Parliament be then sitting, or if not within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by the following Officers the following Returns; that is to say, by the Accountant in Bankruptcy, a Return showing the total Amount of Monies paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy and of every Bankrupt's Estate during the Year preceding and up to the Thirty-first Day of *December* in that Year, and also the total Amount of Monies paid out under every Bankrupt's Estate during the same Period by Orders of Court or of any Judge or Commissioner of the Court of Bankruptcy, and also the Balances on the said Thirty-first Day of *December* in the Bank of *England* standing to the Credit of the Accountant in Bankruptcy and of every Bankrupt's Estate; and by every Official Assignee, whether appointed under the Provisions of the said recited Act or of this Act, a Return showing the total Amount of his Receipts and Payments as such Official Assignee during the Year preceding and up to the Thirty-first Day of *December* in that Year upon every Estate under his Charge as such Official Assignee, and also the Balances appearing in or by the Books of such Official Assignee to be then in the Bank of *England* standing to the Credit of the Accountant in Bankruptcy and of every such Estate, and also the Balances of every such Estate then in the Hands or under the Power or Control of such Official Assignee, and also the several Sums allowed to such Official Assignee for Remuneration and for petty Expences under every such Estate, such last-mentioned Return to be certified by the Court to which such Official Assignee shall be attached, and both such Returns to be subject to such further Regulations as to the Form of the same or otherwise as the Lord Chancellor shall from Time to Time think fit to make.

Construction of Act.

XCIII. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the

Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Words "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom, for the Time being; and the Words "Fiat or Fiats, or Fiat in Bankruptcy or Fiats in Bankruptcy," shall mean also and include any Commission of Bankrupt; and the Word "Month" shall mean a Calendar Month; and the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in place of an Oath; and the Word "Bank of *England*" shall include all Branches thereof; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that this Act shall not extend either to *Scotland* or *Ireland*, except where the same are expressly mentioned; and that this Act shall be construed in the most beneficial Manner for promoting the Benefit of Creditors of Bankrupts and the Ends hereby intended.

Act may be amended, &c.

XCIV. And be it enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

No. 1.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and, first, this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of Pounds, for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Statutes relating to Bankrupts, or some or one of them, and resides at ; and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of Pounds, with a Notice thereunder written in the Form prescribed by the Statute in that Case made and provided, purporting to require immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

No. 2.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of .

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of Pounds. [*Here copy the Account.*]

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of Pounds. Dated this Day of in the Year of our Lord

(Signed) *A.B.*

No. 3.

Summons of Trader Debtor.

THESE are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy, to be holden in Basinghall Street in the City of London, [*or* at in the County of ,] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain in manner and form prescribed by the Statute in that Case made and provided, whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of Pounds for a Debt,) or any and what Part thereof, or whether you verily believe that you have a good Defence to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril. Given under my Hand the Day of in the Year of our Lord .

(Signed) *J.K.*
Commissioner.

SCHEDULE (B.)

No. 1.

Admission of Debt by Trader Debtor.

Court of Bankruptcy,
Basinghall Street, London,
[*or* at in the County of]
Day of .

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by the Statute in that Case made and provided, whether

whether or not I admit the Demand of *A. B.* of (who claims of me the said *E.F.* the Sum of Pounds for a Debt,) or any and what Part thereof, or whether I verily believe that I have a good Defence to the said Demand, or to any and what Part thereof; be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of Pounds, [*or* in part of the said Sum of Pounds, that is to say, in the Sum of Pounds.]

(Signed) *E.F.*

No. 2.

Deposition by Trader Debtor of Belief of good Answer to Creditor's Demand, or some Part thereof.

Court of Bankruptcy
Basinghall Street, London,
[*or* at in the County of]
Day of A.D .

E.F. of being sworn, on the Day and Year and at the Place aforesaid, upon his Oath, saith, That he verily believes he has a good Defence to the Demand [*or* to Pounds, Part of the Demand,] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of Pounds, for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.*, filed in this Honourable Court, and bearing Date the Day of .

Sworn before me,
J. K., Commissioner.

(Signed) *E.F.*

SCHEDULE (C.)

Admission of Debt by Trader Debtor signed out of Court.

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of Pounds.

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (D.)

Declaration of Insolvency by Trader.

I the undersigned *E. F.* of do hereby declare, That I am unable to meet my Engagements. Dated this Day of in the Year of our Lord .

(Signed) *E.F.*

Witness,
G.H., Attorney of the Court of .

SCHEDULE (E.)

The Schedule of Fees.

	£	s.	d.
On filing every Fiat	0	1	0
For every Summons of Trader Debtor under this Act	0	1	0
On Allowance of every Bond, with Sureties	0	5	0
For every Rule or Order Nisi under this Act	0	5	0
For every Rule or Order absolute under this Act	0	5	0
For every Search Warrant	0	5	0
On swearing every Affidavit, except of the Bankrupt or relating to his Certificate	0	1	6
For every Order of Court made in any Matter heretofore within the Jurisdiction of the Court of Review	1	0	0
For every Certificate of Bankrupt's Conformity	0	6	6
On entering every Appeal for hearing in the Court of Review	0	2	0
For every Order pronounced by that Court	1	5	0
For every previous Minute of Order	0	2	6
For entering every Matter for hearing in a Subdivision Court	0	1	0
For every Order pronounced there	0	5	0
For Fees on the Trial of every Issue, to be paid by the successful Party	2	0	0
For every Search made in the Court	0	1	0
For filing Affidavits and other Documents	0	1	0
For Copies of Affidavits, Orders, and other Proceedings, per Folio of Ninety Words	0	0	1½
For every Subpœna ad testificandum and other Writ issued out of the Court	0	2	0

CAP. CXXIII.

An Act for amending, until the First Day of *August* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, the Law relating to private Lunatic Asylums in *Ireland*. [12th *August* 1842.]

7 G. 4. c. 74. s. 55.

'WHEREAS by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, it 'is provided that each of the Inspectors General thereby directed to be appointed shall once at least in 'every Year go round One of the Circuits in the said Act mentioned, and visit and inspect (amongst 'other Places) every Madhouse and Place where Lunatics or Idiots are confined, whether the same be a 'public Establishment, or kept for Profit by any private Individual in or within such Circuit, and shall 'report upon the State thereof to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*: 'And whereas it is expedient to make further Provision for the licensing, Regulation, and Inspection of 'private Lunatic Asylums in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Inspectors General of Prisons in *Ireland* for the Time being appointed under and by virtue of the said recited Act shall respectively be Inspectors of Lunatic Asylums in *Ireland*, for the Purposes of the said recited Act and of this Act, but without any additional Salary or Emolument in respect of such Office, save for travelling Expences as herein-after provided; and every such Inspector General is hereby required, so far as he lawfully can, to enforce the due Execution of the said recited Act and of this Act, and to carry the Provisions of the said recited Act and of this Act into effect.

Inspectors General of Prisons to be Inspectors of Lunatic Asylums.

Oath of Inspectors General.

II. And be it enacted, That each Inspector General shall, before he acts in the Execution of his Duty under this Act, take an Oath to the following Effect; (that is to say,)

'I *A. B.* do swear, That I will discreetly, impartially, and faithfully execute all the Trusts committed 'unto me by virtue of an Act passed in the Sixth Year of the Reign of Her Majesty Queen '*Victoria*, intituled [*insert Title of this Act*], and that I will keep secret all such Matters as come to my 'Knowledge in the Execution of my Office (except when required to divulge the same by legal 'Authority), or so far as I shall feel myself called upon to do so for the better Execution of the Duty 'imposed upon me by this Act. So help me GOD.'

Which Oath it shall and may be lawful for the Lord Chancellor to administer to every such Inspector General.

No Person shall keep a House for the Reception of Insane Persons unless licensed.

III. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to keep a House for the Reception of Two or more Insane Persons in *Ireland* unless the same shall have been first duly licensed in the Manner directed by this Act; and every Person keeping a House for the Reception of Two or more Insane Persons, not duly licensed, shall be deemed guilty of a Misdemeanor: Provided always, that no One Licence shall authorize any Person to keep more than One such House.

Justices of Peace may grant Licences.

IV. And be it enacted, That the Justices of the Peace assembled in General or Quarter Sessions in *Ireland* shall have Authority to grant Licences (if they shall think fit) in the Manner directed by this Act for Persons to keep Houses for the Reception of Two or more Insane Persons, of One or both Sexes, as such Justices shall think fit, within their respective Counties.

Licences to be granted in Court.

V. And be it enacted, That every such Licence shall be granted in manner following, and not otherwise; (that is to say,) every such Licence shall be granted by the Justices in General or Quarter Sessions assembled for the County wherein the House sought to be licensed shall be situate, and shall be under the Hands and Seals of Three or more of the said Justices in General or Quarter Sessions assembled; and every Person who shall apply or intend to apply to have a House licensed for the Reception of Insane Persons shall give Notice to the Clerk of the Peace for the County wherein such House shall be situate Fourteen clear Days at the least prior to the General or Quarter Sessions where he shall apply for such Licence, which Notice shall contain the true Christian and Surname and Place of Abode of the Person so applying and intending to keep such House, and in case such Person so applying shall not propose to reside himself in the licensed House, the Christian and Surname and previous Occupation of the Superintendent who is to reside therein; and such Notice shall state whether the Licence so applied for is for the Reception of Male or of Female Patients, or of both, and if for the Reception of both, shall state the Number of each Sex proposed to be received, and show the Means by which the one Sex may be kept distinct and apart from the other; and such Notice shall be accompanied by a Plan of such House, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and the Length, Breadth, and Height of, and a Reference by a Figure or Letter to every Room and Apartment therein, and a Statement of the greatest Number of Patients proposed to be received into such House, which Notice and Plan shall be laid by such Clerk of the Peace before the Justices at such Time as they shall take into consideration the Application for such Licence.

Notice of Application for Licence to be given.

Detached Buildings to be considered Part of the House; and Notice of Alterations be given.

VI. And be it enacted, That if there be any Place or Building detached from any House to be licensed, but belonging to or in anywise appertaining to such House, such Place or Building shall be considered Part of such licensed House for all the Purposes of this Act; and that Notice of any Additions or Alterations which shall from Time to Time be made to or in any House licensed under this Act shall be given by the Person to whom the Licence shall have been granted to the Clerk of the Peace for the County wherein such House shall be situate, within One Calendar Month next after the Completion thereof,

thereof, accompanied with a Plan of all the Additions and Alterations, to be drawn upon the Scale aforesaid; and if any Person whose Duty it shall be so to do shall (wilfully, and with Intention to deceive,) not give a full and complete Plan of the whole of any House to be licensed, or Notice of any and all such Additions and Alterations as shall have been made in any such licensed House, or if any Person shall, in any such Notice as aforesaid, wilfully make any false or erroneous Statement, every Person so offending shall be deemed guilty of a Misdemeanor. Penalty for not giving Notice, &c.

VII. And be it enacted, That every such Licence shall be made out by the Clerk of the Peace of the County wherein the House to be licensed shall be situate according to the Form in Schedule (A.) annexed to this Act, for such Time not exceeding Thirteen Calendar Months, as the Justices shall think fit, and shall be signed by Two or more such Justices, and shall be duly stamped with a Ten Shilling Stamp; and for every Licence granted to any Person for keeping a House for the Reception of Insane Persons there shall be paid to the Clerk of the Peace, exclusive of the Sum to be paid for the Stamp, the Sum of Ten Shillings for every Insane Person proposed to be received into such House, but for no Licence to be so granted shall be paid less than Five Pounds, exclusive of the Sum paid for the Stamp; and such Licence shall not be delivered nor be of any avail until the Sum so payable thereon shall have been paid. *Licence to be made out by Clerk of the Peace according to Schedule (A.), and Fees to be paid thereon.*

VIII. And be it enacted, That the Clerk of the Peace for every County shall, within Four clear Days after the granting of every such Licence in such County, transmit to the said Inspectors General, or One of them, a true Copy of such Licence, and of the Notice and Plan given to him previous to the Application for such Licence; and in default of so doing, and for every such Offence, such Clerk of the Peace shall be subject and liable to a Penalty not exceeding the Sum of Five Pounds, nor less than Forty Shillings. When Licence granted Clerk of Peace to send to Inspectors Copy of Licence, Notice, and Plan.

IX. And be it enacted, That all Monies to be received for such Licences shall be paid over, by the Clerks of the Peace by whom the same shall have been received respectively, to the said Inspectors General, at such Time and in such Manner as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct, and from such Monies shall be paid all the Fees and Expences required to be disbursed in the Execution of this Act; and the said Inspectors General shall keep a true Account of all such Receipts and Disbursements, which Account shall be made up to the First Day of *January* in each Year, and shall specify the several Heads of Expenditure, and shall be signed by such Inspectors General, and laid before Parliament on or before the Twenty-fifth Day of *March* in every Year, if Parliament shall be then sitting, or if Parliament shall not be then sitting, within One Month after the then next Sitting of Parliament, and the like Account shall be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon, if they shall deem it necessary, direct the Balance to be paid into the Exchequer to the Account of the Consolidated Fund; and if at any Time there shall be any Balance due to the said Inspectors General on account of Expences or Liabilities incurred in the Execution of or incidental to this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby empowered, from Time to Time, if they shall think fit, on the Application of the said Inspectors General, to cause to be issued and paid, out of the Consolidated Fund, to such Inspectors General, such a Sum of Money as the said Commissioners of Her Majesty's Treasury shall think necessary to defray the Expences incurred under the Provisions of or incidental to this Act. How Money received for Licences to be disposed of.

X. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to advance, by way of Imprest, to the said Inspectors General, such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for carrying into effect the Provisions of this Act, such Sum or Sums to be accounted for by the said Inspectors in their then next Account. Treasury may advance Money for the Purposes of this Act.

XI. Provided always, and be it enacted, That if any Person to whom a Licence for keeping a House shall have been duly granted under this Act shall die before the Expiration of the said Licence, and the legal Representatives of such deceased Person shall, within Ten Days next after such Death, give Notice thereof to the Clerk of the Peace for the County wherein such House shall be situate, it shall be lawful for the Justices of the Peace at the next General or Quarter Sessions for such County, if they shall think fit, by an Order in Writing under the Hands of any Three of them, made in open Court, to confirm the said Licence, with all the Conditions and Liabilities annexed thereto, for the Term unexpired, to such Person as shall at the Time of such Death be the Superintendent of such House, or have the Care of the Patients therein, or to such other Person as such Justices shall think fit; and in the meantime such previous Licence shall, notwithstanding the Death of such Person, remain in full Force. On Death of licensed Person the Licence may be confirmed to other Persons.

XII. And be it enacted, That if any Person duly licensed under this Act shall by Sickness or other sufficient Reason become incapable of keeping such House, or if any such licensed House shall be pulled down, or occupied under the Provisions of any Act for public Purposes, or shall by Fire, Tempest, or other unavoidable Calamity be rendered unfit for the Accommodation of Insane Persons, it shall and may be lawful for the Justices of the Peace assembled in General or Quarter Sessions for the County in which such House shall be situate, upon the Payment of not less than One Pound for each Licence, exclusive of the Sum to be paid for the Stamp, to grant a new Licence to such other Person as they shall think fit; and also to grant to the Person whose House has been so rendered unfit a Licence to keep such other House for the Accommodation of Insane Persons within the same County as such Justices shall think fit: Provided always, that the Notice of such intended Change of Persons, and all Plans and Statements of and concerning such new House, shall be given as are required when Application is made for a Licence for If a licensed Person becomes incapable, or the House is rendered unfit, Justices may grant a new Licence to another Person, and also for another House. Notice of such Changes.

for the first Time: Provided also, that the Cause of such Change of House shall be duly specified in Writing to the Clerk of the Peace within Seven clear Days after the happening thereof.

Lord Lieutenant or Lord Chancellor may revoke Licences.

XIII. And be it enacted, That if any of the said Inspectors shall recommend in Writing to the Lord Chancellor of *Ireland* for the Time being, that any Licence granted under this Act should be revoked, it shall be lawful for such Lord Chancellor, after making or causing to be made such Inquiries as he shall think necessary, to revoke the same by an Instrument in Writing under his Hand, such Revocation to take effect at a Period not exceeding Three Calendar Months from the Time Notice thereof shall have been given in the *Dublin Gazette;* and a Copy of every such Instrument of Revocation shall be transmitted to the Person to whom such Licence shall have been granted, his Executors or Administrators, or to the Superintendent of the House, in case the Person to whom such Licence shall have been granted shall not reside in the licensed House, before any such Publication shall take place: Provided always, that in every Case of Recommendation for Revocation of any such Licence, Notice in Writing thereof shall be given to the Person or Persons complained of Seven clear Days previous to the Transmission of such Recommendation to the Lord Chancellor.

Previous Notice to be given.

No Person shall be received into or detained in a licensed House without an Order and Medical Certificate.

XIV. And be it enacted, That no Person shall be received into or detained, after the Commencement of this Act, in any House licensed for the Reception of Insane Persons in *Ireland*, without an Order under the Hand of the Person by whose Direction such Insane Person shall have been sent, which Order shall be according to the Form in Schedule (B.) annexed to this Act; and in it shall be stated the Christian and Surname and Place of Abode of, and the Degree of Relationship or other Circumstance of Connexion between, such Person and such Insane Person, and the true Name, Age, Place of Residence, former Occupation, and the Asylum or other Place (if any) in which such Insane Person shall have been previously confined, and whether such Person shall have been found lunatic or of unsound Mind under a Commission issued for that Purpose by the Lord Chancellor; nor shall any such Person be received into or detained in any such House without a Medical Certificate of Two Physicians, Surgeons, or Apothecaries in the Manner directed by this Act; and if any Person shall knowingly and wilfully receive or detain any Insane Person or Persons represented or alleged to be insane, or to be taken care of or confined in any House licensed under this Act, without such Order and Medical Certificate, and without making, within Three clear Days after the Reception or Detainer of such Patient, a Minute or Entry in Writing, in a Book to be kept for that Purpose according to the Form in Schedule (C.) annexed to this Act, of the true Name of the Patient, and also of the Christian and Surname, Occupation, and Place of Abode of the Person by whom such Patient shall be brought, every Person so offending shall be deemed guilty of a Misdemeanor.

Form, &c. of Medical Certificate to warrant Reception of Insane Persons into licensed Houses.

XV. And be it enacted, That every such Medical Certificate upon which any Order shall be given for the Confinement of any Person in a House licensed under this Act shall be according to the Form in Schedule (D.) annexed to this Act, and shall be signed by Two Medical Practitioners not being in Partnership, and each of them being a Physician, Surgeon, or Apothecary, who shall have separately visited and personally examined the Patient to whom it relates not more than Seven clear Days previous to such Confinement; and such Certificate shall be signed and dated on the Day on which he or she shall have been so examined, and shall state that such Person is insane and proper to be confined; and every such Certificate for the Confinement of any Person in a House licensed under this Act shall, if the same be not signed by Two Medical Practitioners, state the special Circumstance which shall have prevented the Patient being visited by Two Medical Practitioners; and any Patient may under such special Circumstance be confined in any such licensed House upon the Certificate of One Medical Practitioner, provided such Certificate shall be further signed by some other Medical Practitioner within Fourteen Days next after the first signing thereof; and any Person who shall, knowingly and with Intention to deceive, sign any such Medical Certificate untruly setting forth any of the Particulars required by this Act, shall be deemed guilty of a Misdemeanor: Provided always, that no Physician, Surgeon, or Apothecary shall sign any Certificate for the Confinement of a Patient in any such licensed House who is wholly or partly the Proprietor or the regular professional Attendant of such licensed House, nor shall any Physician, Surgeon, or Apothecary sign any Certificate for the Confinement of a Patient in any such House of which his Father, Son, Brother, or Partner is wholly or in part Proprietor, or the regular professional Attendant of such House, on pain of being deemed guilty of a Misdemeanor.

Certificate not to be signed by Medical Men interested by themselves or their Relatives, &c.

Notice of Reception of Insane Persons, and Copies of Orders and Medical Certificates, to be transmitted to Inspectors of Lunatic Asylums, who shall keep a Register.

XVI. And in order that the Inspectors may know when any Patient becomes an Inmate of any House licensed for the Reception of Insane Persons, be it enacted, That the Proprietor or resident Superintendent of every House licensed under this Act shall, within the Space of Two clear Days next after the Day on which any Person shall have become an Inmate of such House, transmit a Copy of the Order and Medical Certificates in that Behalf, with a Notice, according to the Form in Schedule (E.) annexed to this Act, to the said Inspectors or One of them; and every Proprietor or resident Superintendent of any such House who shall knowingly and wilfully neglect so to do shall be deemed guilty of a Misdemeanor; and the said Inspectors are hereby required to preserve all such Copies of Orders and Certificates, and also within Five clear Days to enter in a Register to be provided for that Purpose the Christian and Surname of each Insane Person so returned to them, and of the Persons by whose Order and upon whose Medical Certificates every such Insane Person is confined, and the House in which every such Insane Person is confined, according to the Form in Schedule (C.) annexed to this Act.

Notice of Escape, Removal, or Death of Insane Patients

XVII. And be it enacted, That whenever any Patient confined in any House licensed for the Reception of Insane Persons shall escape therefrom or be removed therefrom, or shall die, the Proprietor or resident Superintendent of such House shall, within Two clear Days next after such Escape, Removal, or Death, transmit a written Notice thereof to the said Inspectors or One of them, according to the Form in Schedule

Schedule (F.) annexed to this Act; and in every Case of Escape such Notice shall state the Circumstances connected with such Escape, and the then State of Mind of the Patient; and in every Case of Removal such Notice shall state by whom removed, and the then State of Mind of such Patient so removed, and to what Place removed, if known; and if any such Patient so escaping or removed shall be received or brought back to such House, such Proprietor or resident Superintendent shall, within Two clear Days next after such Patient shall be received or brought back, transmit a like Notice to the said Inspectors or One of them; and all such Notices shall be preserved and entered by the said Inspectors in like Manner as is required in the Case of the Notice of the Admission of any Patient into any such licensed House; and in every such Case of Death, Escape, or Removal, or Return of any Patient who shall have escaped or been removed, every Proprietor or resident Superintendent of any such House who shall knowingly and wilfully neglect to give such Notice as in that Behalf is required, shall be deemed guilty of a Misdemeanor. to be given to Inspectors.

XVIII. And be it enacted, That every House licensed under this Act, in case such House shall not be kept by a Physician, Surgeon, or Apothecary, shall be visited Once in every Fortnight by a Physician, Surgeon, or Apothecary; and such resident Attendant or Visiting Physician, Surgeon, or Apothecary is hereby respectively required, Once in every Fortnight at least, to make and sign a Statement of the Health of each and every Patient in such licensed House, and the Condition of the House, according to the Form in Schedule (G.) annexed to this Act; and such Statement shall be entered in a Book to be kept at such House, and be regularly laid before the Visiting Inspectors for their Inspection and Signature. Houses not kept by a Physician, &c. to be visited by a Medical Man Once a Fortnight, and Statement of Health to be kept and shown.

XIX. Provided always, and be it enacted, That when any House not kept by a Physician, Surgeon, or Apothecary shall be licensed to receive less than Eleven Insane Persons, then and in such Case it shall be lawful for the said Inspectors, if they shall so think fit, to direct and permit that such House shall be visited by the Physician, Surgeon, or Apothecary Once at least in Four Weeks, instead of Once every Fortnight: Provided always, that such Permission shall be in Writing under the Hands of the said Inspectors, according to the Form in Schedule (H.) annexed to this Act, and shall be subject to such Alteration or Revocation as the said Inspectors shall think fit; and that such Physician, Surgeon, or Apothecary shall enter in a Book to be kept for that Purpose the Date of his Visit, and the Condition of the House, and State of Health of each of the Patients therein. Inspectors may alter the periodical Visits of Medical Attendants.

XX. And be it enacted, That every such licensed House in *Ireland* shall be visited by One of such Inspectors of Lunatic Asylums Once at the least in every Six Months, on such Days, and at such seasonable Hours of the Day, and for such Length of Time as he shall think fit. Inspectors to visit Houses Once in 6 Months.

XXI. And be it enacted, That the said Inspector, when visiting every such licensed House, shall and is hereby required and authorized to inspect every Part of the Premises included in the Licence for the same, and to see every Patient then confined therein, and to inquire whether any Patient is under Restraint, and why, and also to inspect the Certificate of Admission of every Patient who shall have been admitted into such House since the last Visitation of such House; and to enter in the Book directed by this Act to be kept for recording Inspectors Visits a Minute of the then Condition of the House so visited, and of the Patients therein, and of the Number of Patients under Restraint, with the Reasons thereof as stated, and such Irregularity (if any) as may exist in any of such Certificates as aforesaid; and also to add any Observations which he may deem proper as to any of the Matters aforesaid; and also, if such Visit be the first after the granting of a Licence to the House so visited, to examine such Licence, and if the same be in conformity with the Provisions required by this Act, to sign the same; but if it be informal, to enter in such Visiting Inspector's Book in what respect such Licence is informal; and every such Inspector shall also inquire whether any and at what Times Divine Service is read and performed for the Benefit and Consolation of any of the Patients, or what religious Aid they receive under any Circumstances of intellectual Improvement, and what Description of Employment, Amusement, or Recreation (if any) is provided for them; and shall at the Time of every such Visitation state in the Book directed by this Act to be kept for recording Inspectors Visits the Result of such Inquiry, with such Observations as he shall think useful or necessary; and in those Houses where it shall appear that Divine Service is not performed, or that religious Communication with any Minister is not permitted, the Proprietor or resident Superintendent of every such House shall state in such Book the Reasons thereof. Duties of Inspectors.

XXII. And be it enacted, That there shall be hung up in some conspicuous Part of every licensed House a Copy of the Plan in that Behalf delivered to the Clerk of the Peace; and there shall also be kept in every such House a Queen's Printer's Copy of this Act, bound up in a Book, in which Book the Visiting Inspector shall record his Visit, and make Minutes in Writing of the Condition of such House as to the Care of the Patients therein, and all such other Particulars as he shall think deserving of his Notice, together with his Observations thereupon; and a Copy of every such Minute so made by any Inspector shall forthwith be transmitted by him to the Clerk of the Peace for the County. Plan of House to be hung up, and Copy of Act kept, and at each Visitation Inspector to make Minutes.

XXIII. And be it enacted, That every Clerk of the Peace shall, upon Receipt of any such Copy of Minute, enter the same in a Book to be kept by him for that Purpose; and every such Entry of Minute shall be laid before the Justices of the Peace assembled in General or Quarter Sessions for the County wherein the House to which such Minute shall relate shall be situate, previously to the Consideration of any Renewal of the Licence to such House. Minutes to be transcribed in a Book.

XXIV. And be it enacted, That if the Proprietor or resident Superintendent of any licensed House shall fraudulently conceal or attempt to conceal any Part of such House or Premises, or any Person detained Concealment from Inspectors a Misdemeanor.

detained therein as insane, from any such Inspector, or from any Medical or other Person authorized under the Provisions of this Act to visit and inspect any such House and the Patients confined therein, every Person so offending shall be deemed guilty of a Misdemeanor.

Patients Book to be kept in every licensed House, and to be produced to Visiting Justices.

XXV. And be it enacted, That in every House licensed for the Reception of Insane Persons the Proprietor or resident Superintendent shall keep, in addition to the Visiting Inspector's Book herein-before directed to be kept, a Book to be called the "Patients Book," which Book shall be produced to the Visiting Inspector at each Visit, and he shall make an Entry therein that the same has been so produced, and insert therein such Observations as he may think fit respecting the State of Mind of any Patient in such House, and sign the same.

Penalty on Omission to produce Books.

XXVI. And be it enacted, That any Proprietor or resident Superintendent of any such House omitting at the Visit of any such Inspector to produce to him such Visitor's Book and Patients Book, shall forfeit and pay a Penalty of Twenty Pounds, to be recovered as herein-after provided.

Inspectors to consider Cases to which their Attention may be drawn, and make Entry in Patients Book.

XXVII. And be it enacted, That the said Inspectors respectively visiting any such licensed House shall carefully consider and give special Attention to the State of Mind of any Patient therein confined as to the Propriety of whose Detention he shall have Cause to doubt, or as to whose Sanity his Attention shall be specially called by the Patient or any other Person, and shall, if he shall think the Propriety of the Detention of such Patient requires further Consideration, make a Minute thereof in the Patients Book of such House.

Inspectors may make special Visits, and after Two such Visits may, subject to certain Restrictions, liberate a Patient.

XXVIII. And be it enacted, That any such Inspector, in case he shall doubt the Propriety of the Detention of any Patient in any such House, shall make a special Visit to such Patient, accompanied by the Managing Officer and the Medical Officer, or, if more than One, the Principal Medical Officer of the nearest District Lunatic Asylum, on such Day and at such Hour as he shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Inspector and Managing Officer and Medical Officer that such Person is detained in such House without sufficient Cause, they may give such Orders as to them shall seem meet for the Discharge of such Person at such Time as the Circumstances of the Case may seem to justify: Provided always, that the Result of each of such special Visits shall be entered in Writing in the Patients Book of such House; and such Entry, and also the Order for Discharge, shall be signed by such Inspector and Managing Officer and Medical Officer: Provided also, that each of such special Visits must be by the same Inspector and Managing Officer and Medical Officer.

Notice of special Visits.

XXIX. Provided also, and be it enacted, That not less than Fourteen Days shall intervene between the First and Second of such special Visits, and that such Inspector shall, previous to the Second of such special Visits, give Notice thereof to the Proprietor or resident Superintendent of the House in which the Patient intended to be visited is detained, and also (so far as is practicable) to the Person by whose Authority such Patient was received into such House or is then detained therein, such Notice to such several Parties to be by Letter, signed by such Inspector, and with his Name endorsed on the Outside or Cover thereof, and sent by Post, and to be put into the Post Fourteen Days at least before the Day in such Notice specified as the Day for such Second Visit; and the Master of any Post Office into which any such Letter shall be put shall and is hereby required to give to such Inspector a Receipt for the same, in the Form set out in the Schedule hereto annexed, and which Receipt shall be *primâ facie* Evidence of such Letter having been sent to the Person to whom the same shall by such Receipt appear to have been addressed.

Mode of serving Notice.

XXX. Provided also, and be it enacted, That the Notice so required to be given to the Proprietor or resident Superintendent of the House may, instead of being given by Letter as aforesaid, be given by Notice in the Patients Book of such House, and signed by such Inspector.

Provision as to certain Insane Persons.

XXXI. Provided also, and be it enacted, That such Power of Liberation shall not extend to the Case of any Person who shall have been found idiot, lunatic, or of unsound Mind under any Commission issued for that Purpose by the Lord Chancellor, nor to any Insane Person confined under any Order or Authority of the Lord Lieutenant, or of any Criminal Court of Justice; but it shall be lawful for such Inspectors respectively, if they shall think fit, to examine into the State of Mind or Condition of any such Person, and to report his or their Opinion in Writing on the State of Mind or Condition of such Person to the Lord Chancellor or to the Chief Secretary of the Lord Lieutenant, as the Case may be.

Inspectors may, upon Information of Malpractices, visit licensed House at Night.

XXXII. And be it enacted, That it shall be lawful for either of the said Inspectors, upon receiving Information upon Oath (which Oath they or either of them are and is hereby empowered to administer) that the Party making such Oath hath Cause to suspect and doth verily believe that any Malpractice has taken place in any House licensed under this Act, which Malpractice cannot be ascertained by Examination and Inspection during the Day, to visit and inspect any such House at such Hour of the Night as he shall think fit.

In case of Inquiry Inspectors may give Information relative to any Person confined.

XXXIII. And be it enacted, That if any Person shall apply to the said Inspectors in order to be informed whether any particular Person is confined as an Insane Person, and such Inspectors shall think it reasonable that such Inquiry should be made, they shall examine the Register herein-before directed to be kept; and if it shall appear thereby that the Person so inquired after is or has within the last Twelve Calendar Months been confined in any of such Houses, such Inspectors shall deliver to the Person so applying, in Writing, the Name of the Proprietor or resident Superintendent in whose House the Person so inquired after is or has been confined, and the Situation of such House, and (if such Inspectors shall so think fit) a Copy of the Order and Medical Certificates upon which such Person was received into such House.

XXXIV. And

Particulars of Inquiry to be made by Inspectors.

XXXIV. And be it enacted, That, with a view to the Amelioration of the Condition of Insane Persons, each such Inspector shall, when under the Provisions of this Act visiting Houses licensed for the Reception of Insane Persons, and when under the Provisions of the herein-before recited Act visiting any other Madhouses, or Places where Lunatics and Idiots are confined, inquire whether there has been adopted therein, either in whole or in part, any System of Non-coercion, and if so, the Particulars of such System, and by what Means practised, and whether by Medical Treatment or otherwise, and what has been the Result thereof; and shall, in like Manner, inquire into the Classification or Non-classification of Patients in every such House, Asylum, or Place, and the Number of Attendants on each Class, and, so far as is practicable, the proportionate Number of Attendants before and since the Adoption of the System of Non-coercion, if such System shall have been adopted; and shall also, in like Manner, inquire into the Occupations and Amusements of the Patients in every such House, Asylum, or Place, and whether the same be in-door or out-door Occupations or Amusements, and the Effect of such Occupations and Amusements, both in-door and out-door respectively, on the Condition, as well mental as bodily, of the Patients; and shall also in like Manner inquire into the Condition, as well mental as bodily, of the Pauper Patients (if any) when first received into every such House, Asylum, or Place, and whether the Condition has been such as to prevent or impede the ultimate Recovery, either mental or bodily, of such Patients; and also as to the Dietary of the Pauper Patients (if any) in every such House, Asylum, or Place, and shall also make such other Inquiries as to such Inspectors respectively shall seem meet.

Inspectors to report to the Lord Lieutenant and Lord Chancellor annually.

XXXV. And be it enacted, That the said Inspectors shall, in the Month of *September* in every Year, make a Report of the State and Condition of the several Houses licensed under this Act, and also as to the Care of the Patients therein, and the several Particulars herein-before mentioned, such other Particulars as they shall think deserving of Notice, to the Lord Lieutenant and the Lord Chancellor for the Time being respectively.

Insane Person not to be received into unlicensed House without an Order, &c.

XXXVI. And be it enacted, That no Person (except he be a Guardian or Relative, who does not derive any Profit from the Charge, or a Committee appointed by the Lord Chancellor, or a Person with whom such Insane Person shall be placed by such Committee) shall, under pain of being deemed guilty of Misdemeanor, receive to board or lodge in any House not licensed under this Act, or to take the Care or Charge of any Insane Person, without first having the like Order and Medical Certificates as are required on the Admission of an Insane Person into a licensed House.

Copy of Order and Medical Certificate and annual Certificates to be transmitted from unlicensed Houses to Inspector.

XXXVII. And be it enacted, That every Person (except as aforesaid) who shall receive to board or lodge in any House not licensed under this Act, or take the Care or Charge of any Insane Male or Female Person, shall, within Three Calendar Months next after, if such Insane Person or Persons respectively shall not previously have returned to their own or usual Place of Abode, transmit to the said Inspectors, or One of them, a Copy of such Order and Medical Certificates sealed and endorsed "Private Return," and not to be inspected by any Person except the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other Person or Persons as shall be authorized in that Behalf by them or any of them; and every such Person (except as aforesaid) shall also (if such Insane Male or Female Person shall not have been previously removed), on the First Day of *January* in every succeeding Year, or within Seven clear Days after, transmit to the said Inspectors, or One of them, a Certificate signed by Two Physicians, Surgeons, or Apothecaries, describing the then actual State of Mind of such Insane Person, and to be endorsed "Private Return;" and all such Orders, Medical Certificates, and Returns shall be preserved by the said Inspectors, and shall be open only to the Inspection of the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other Person or Persons as shall be authorized in that Behalf by them or any of them; and every Person (except as aforesaid) who shall receive to board or lodge in any House not licensed under this Act, or take the Care or Charge of any Insane Person in any such House, and who shall omit to transmit such Copies of Orders and Certificates, shall be deemed guilty of a Misdemeanor.

Lord Chancellor may direct special Visitation of Patients in Confinement.

XXXVIII. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor for the Time being, if he shall think fit, at any Time or Times, by an Order in Writing by him directed to the said Inspectors or either of them, to require them or either of them to visit and examine any Person confined as an Insane Person who shall be confined in the Care of any Guardian or Relative, or of any other Person, or in any House or Building in which any Person or Persons alleged to be insane shall be confined, and to make a Report to the Lord Chancellor of such Matters in relation to the Premises or any of them as he or they shall be directed to inquire into.

Inspectors may call in a Physician, &c., when visiting any House;

XXXIX. And be it enacted, That it shall be lawful for the said Inspectors respectively visiting any House pursuant to the Provisions of this Act, and they are hereby respectively authorized, if they shall so think fit, to select and call in any Physician, Surgeon, or Apothecary, residing within a reasonable Distance of such House to visit the same with them respectively; and every such Physician, Surgeon, or Apothecary shall be entitled to a Fee, not exceeding Two Guineas for every such Attendance, to be paid by the Inspectors or Inspector by whom such Attendance shall have been required; and such Inspectors shall have Credit in their Account of Receipts and Disbursements under this Act for every such Fee so paid: Provided always, that no Physician, Surgeon, or Apothecary shall be so called in to visit any House who shall be, directly or indirectly, interested in such House; and it shall also be lawful for the Inspectors respectively visiting as aforesaid any House to require the Attendance of the Managing Officer and the Medical Officer, or (if more than One) the principal Medical Officer, of the nearest District

and also the Managing and Medical Officers of the nearest

District Asylum.

Lunatic Asylum, to visit the same with them respectively; and the travelling Expences of every such Managing Officer and Medical Officer shall be paid by the Inspector by whom his Attendance shall have been required, and the said Inspectors shall have Credit for the same in their said Account.

Lord Chancellor may assign Counsel to assist at any Investigation.

XL. And be it enacted, That in case it shall appear to the Lord Chancellor that the Assistance of Counsel is requisite for the conducting of any Visitation or Investigation to be holden under this Act, it shall be lawful for such Lord Chancellor to nominate and appoint any Barrister at Law of not less than Six Years standing for the Purpose of assisting at such Visitation or Investigation, with such reasonable Fees or Payment and Allowances for his Trouble and for his travelling and other Expences as the Lord Chancellor by Order under his Hand shall direct; and all such Fees and Allowances for any such Barrister shall be paid by the said Inspectors upon the Order in Writing in that Behalf of the said Lord Chancellor, and such Inspectors shall have Credit for the same in their said Account.

Expences of Inspectors how to be paid.

XLI. And be it enacted, That every such Inspector shall, over and above his Salary, be paid his travelling and other Expences incurred under the Provisions of this Act; and every such Inspector shall, on or before the First Day of *January* in every Year, lay or cause to be laid before the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being an Account of the travelling and other Expences incurred by him as aforesaid in the previous Year; and the said Commissioners of Her Majesty's Treasury, or any Three or more of them, are hereby empowered from Time to Time to cause to be issued and paid out of the Consolidated Fund to each such Inspector such Sum as they shall think fit for such travelling and other Expences so incurred by him.

After Death, &c. of Patient the Orders, &c. in that Behalf may be delivered up to be cancelled.

XLII. And be it enacted, That in every Case in which any Patient shall die or have been discharged as cured, the Order, Medical Certificates, and Notices in that Behalf required under this Act may be delivered up to the Lord Chancellor to be cancelled, and thereupon the Name of such Person may be wholly erased from the Register thereof: Provided always, that no such Erasure of the Name of any Person shall be made until after the Expiration of Twelve Calendar Months after the Death or Discharge of such Person.

Inspectors may summon Witnesses.

XLIII. And for the better enabling the said Inspectors to inquire into the several Matters and Things by this Act referred to them, be it enacted, That it shall be lawful for the said Inspectors or either of them, from Time to Time, as they respectively shall see Occasion, to require by Summons, according to the Form in Schedule (I.) annexed to this Act, any Person to appear before them or either of them to testify the Truth touching any Matters relating to the Execution of the Powers given by this Act, on Oath or Affirmation, which Oath or Affirmation either of the said Inspectors is hereby empowered to administer.

Penalties for giving false Evidence, &c.

XLIV. And be it enacted, That if any Person, upon any Examination under the Authority of this Act, shall wilfully give false Evidence, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall refuse or wilfully neglect to attend in obedience to any such Summons, or to give Evidence, when duly summoned, every Person so offending shall be deemed guilty of a Misdemeanor.

Service of Summons.

XLV. And be it enacted, That the Delivery of any Summons authorized to be issued by any Inspector under this Act to any Party to whom such Summons shall be directed, or at his Place of Abode, to his Wife, or to any Child or Servant of such Party, being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of such Summons.

Penalties how recoverable.

XLVI. And be it enacted, That every pecuniary Penalty imposed under or by virtue of this Act may be recovered by Civil Bill by any Person who shall sue for the same.

Proceedings of Proprietors, &c. to be justified in course of Common Law.

XLVII. 'And whereas it is not intended by this Act to give the Proprietors or resident Superintendent of any licensed House, or any other Person concerned in confining any of Her Majesty's Subjects, any new Justification from their being able to prove that the Person so confined was sent there by such Order and upon such Medical Certificates as are required by this Act;' be it therefore enacted, That in all Proceedings which shall be had under Her Majesty's Writ of Habeas Corpus, and in all Indictments, Informations, and Actions and other Proceedings that shall be preferred, prosecuted, taken, or brought against any Person for confining or ill-treating any of Her Majesty's Subjects insane, or represented or alleged to be insane, the respective Parties complained of shall be obliged to justify their Conduct according to the Course of the Common Law, in the same Manner as if this Act had not been made.

Limitation of Actions.

XLVIII. And be it enacted, That if any Action or Suit shall be commenced or brought against any Person for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact being committed, and shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue Not guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County, or shall not have been commenced within the Time before limited for bringing the same, that then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

XLIX. Pro-

Act not to extend to public Institutions.

XLIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to any public Hospital or charitable Institution supported wholly or in part by voluntary Contributions, and not kept for Profit by any private Individual, or to any Institution supported wholly or in part by Grand Jury Presentment or Parliamentary Grant of public Money, excepting so far as relates to Visitations appointed by the Lord Chancellor, and excepting so far as relates to the Inquiries directed to be made by the said Inspectors when visiting such Institutions under the Provisions of the herein-before first-recited Act: Provided also, that no Person shall be received into or detained in any such Institution, except as a Pauper Patient, to be maintained gratuitously therein, without such Order and Medical Certificate as herein-before required in the Case of Persons admitted into or detained in Houses licensed under this Act; and the Manager, Superintendent, or principal Officer having the Charge of any such Institution, who shall receive or detain therein any Person, not being such Pauper Patient as aforesaid, without such Order and Certificate as aforesaid, shall be deemed guilty of a Misdemeanor.

Counties of Cities, &c. to be deemed Part of Counties at large.

L. And be it enacted, That every County of a City and County of a Town in *Ireland*, and every Part thereof, shall for the Purposes of this Act, but not for any other Purpose, or otherwise, be deemed to be situate in and Part of the County at large within the Boundaries of which the same or the greater Part thereof shall be comprised.

Commencement and Continuance of Act.

LI. And be it enacted, That this Act shall commence and take effect in the County of the City of *Dublin* and in the County of *Dublin* from and after the Commencement of the General Quarter Sessions of the Peace which shall be held next after the Expiration of Two Months, computed from the passing of this Act; and that this Act shall commence and take effect in any other County and County of a City or County of a Town from and after the General Quarter Sessions of the Peace which shall be held at the several Assize Towns respectively next after the Expiration of the like Period, computed as aforesaid; and that this Act shall be and remain in force until the First Day of *August* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, and no longer.

Interpretation of Act.

LII. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Use have a more confined or different Meaning, shall in the Construction of this Act, except where the Context excludes such Construction, be interpreted as follows; (that is to say,)

Every Word importing the Singular Number or the Masculine Gender only shall be understood to include and shall be applied to several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and Females as well as Males respectively; the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*; the Words "Lord Chancellor" shall be construed to mean the Lord Chancellor, or Lord Keeper or Lords Commissioners for the Custody of the Great Seal, in *Ireland*.

Act may be amended, &c.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF LICENCE.

Know all Men, that we, the undersigned Justices of the Peace, acting in and for the County of in General [*or* Quarter] Sessions assembled, do hereby certify, That *A.B.* of the Parish of in the County of hath delivered a Notice to and deposited with the Clerk of the Peace for the said County of a Plan and Description of a House and Premises proposed to be licensed for the Reception of Insane Persons; and we, having considered and approved the same, do hereby authorize and empower the said *A.B.* [*or C.D.*, as Superintendent, the said *A.B.* not intending to reside therein himself,] to use and employ the House and Buildings situate at in the Parish of in the County of as a House for the Reception of Insane Persons [Male and Female, *or* Male *or* Female *only*]. And this Licence shall continue in for cefor the Space of Calendar Months, and no longer.

Given under our Hands, this Day of in the Year of our Lord

Witness } _____ (L.S.)
_____ (L.S.)
_____ (L.S.)

_____
Clerk of the Peace.

Note.—Fourteen Days Notice of the Intention to renew this Licence must be given to the Clerk of the Peace.

SCHEDULE (B.)

STATEMENT and ORDER to be annexed to the Medical Certificates authorizing the Reception of an Insane Person.

The Patient's true Christian and Surname at full Length - - _____
The Patient's Age - - - - - - _____
Married or single - - - - - - _____
The Patient's previous Occupation (if any) - - - _____
The Patient's previous Place of Abode - - - _____
The licensed House or other Place (if any) in which the Patient was before confined - - - - - - _____
Whether found lunatic by Inquisition, and Date of Commission - _____
Special Circumstance which shall prevent the Patient being separately examined by Two Medical Practitioners - - - - _____
Special Circumstance which exist to prevent the Insertion of any of the above Particulars - - - - - - _____

Sir,

Upon the Authority of the above Statement, and the annexed Medical Certificates, I request you will receive the said as a Patient into your House.

I am, Sir,

Your obedient Servant,

Name - - - - - - _____
Occupation (if any) - - - - - - _____
Place of Abode - - - - - - _____
Degree of Relationship (if any) to the Insane Person - - _____

To Mr._____

Proprietor of_____

SCHEDULE (C.)

FORM of BOOK of ENTRY of PATIENTS to be kept in the licensed Houses, and of Register to be kept by the Inspectors.

Surname and Christian Names, Sex and Age of Patient, and whether married or single.	Occupation or Profession.	Place of Residence.	Date of Admission of Patient, and by whose Authority sent.	Date of Medical Certificates, and by whom signed.	Whether found lunatic by Inquisition.	When discharged.	Cured, not cured, or incurable.	Death.

SCHE-

SCHEDULE (D.)

FORM of MEDICAL CERTIFICATE.

I, the undersigned, hereby certify, That I separately visited and personally examined the Person named in the annexed Statement and Order on the Day of One thousand eight hundred and and that the said is of unsound Mind, and a proper Person to be confined.

(Signed) Name - - - - _____
Physician, Surgeon, *or* Apothecary _____
Place of Abode - - - - _____

I, the undersigned, hereby certify, That I personally visited, and personally examined the Person named in the annexed Statement and Order, on the Day of One thousand eight hundred and and that the said is of unsound Mind, and a proper Person to be confined.

(Signed) Name - - - - _____
Physician, Surgeon, *or* Apothecary _____
Place of Abode - - - _____

SCHEDULE (E.)

NOTICE.

Sir,

I am to acquaint you, That was received into my House on the Day of and I herewith transmit a Copy of the Order and Medical Certificates.

(Signed)_____

To the Inspectors of
Lunatic Asylums in Ireland.

SCHEDULE (F.)

FORM of NOTICE on Discharge, Removal, or Death of Patient.

I of hereby give you Notice, That of a Patient in the licensed House situate in was removed therefrom by of [*or* Death] on the Day of One thousand eight hundred and [*here describe the State of Mind on Removal*]. Dated this Day of One thousand eight hundred and

(Signed)_____

To the Inspectors of
Lunatic Asylums, Ireland.

SCHEDULE (G.)

MEDICAL JOURNAL and WEEKLY STATEMENT to be kept in each licensed House for the Inspection of Visiting Inspectors.

Names of probably curable Men.	Names of probably curable Women.	Number of probably curable Men.	Number of probably incurable Men.	Number of probably curable Women.	Number of probably incurable Women.	Number of Men under Restraint.	Number of Women under Restraint.	General Remarks on the State of Health of the Patients and Condition of the House.

SCHEDULE (H.)

FORM of PERMISSION for regulating MEDICAL ATTENDANCE.

Whereas by an Act made in the Year of the Reign of intituled "An Act for amending the Law relating to private Lunatic Asylums in Ireland," it is amongst other things provided and enacted, that when any House is licensed for the Reception of Insane Persons, then it shall be lawful for the Inspectors therein mentioned, if they shall so think fit, to direct and permit that such House shall be visited by the Physician, Surgeon, or Apothecary once at least in every Four Weeks, instead of once in every Week, as required by the said Act: And whereas on the Day of the Assistant Barrister for the County of duly granted a Licence for the Space of Calendar Months to for a House situate at in the County of for the Reception of Insane Persons: And whereas the said hath applied to the said Inspectors, that they will be pleased to direct and permit the said House to be visited once in every Four Weeks, instead of once in every Week: Now know ye, That we the undersigned Inspectors of Lunatic Asylums in Ireland, having thought fit to accede to the above Request, do by this Instrument in Writing under our Hands direct and permit that the House so licensed to the said as aforesaid shall be visited by a Physician, Surgeon, or Apothecary once at the least in every Four Weeks, instead of once in every Week, as required by the said Act: Provided always, and it is hereby expressly declared, that this Permission shall be subject to such Revocation or Alteration as the Inspectors of Lunatic Asylums in Ireland shall think fit. Witness our Hands, this Day of One thousand eight hundred and .

Witness, .

SCHEDULE (I.)

FORM OF SUMMONS.

We, whose Names are hereunto set and Seals affixed, being Inspectors, *or* an Inspector, appointed under an Act passed in the Year of the Reign of intituled "An Act for amending the Law relating to private Lunatic Asylums in Ireland," do hereby require you personally to appear before us, *or* me, at in the Parish of in the County of on next the Day of at the Hour of in the noon of the same Day, then and there to be examined, and testify the Truth touching certain Matters relating to the Execution of the said Act.

Given under our Hands this Day of in the Year of our Lord .

To

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

(*a*) *For* 31 *Years, &c.* [i. e. *to the End of the next Session*] *from a Day named in the Act.*

(*b*) *For* 31 *Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and " shall be judicially noticed as such.

Cap. i.

An Act to extend the Provisions of an Act of the Forty-eighth of King *George* the Third, relative to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum; and to incorporate the Trustees thereof. [22d *April* 1842.]

[*Powers of* 48 *G.* 3. *c.* cxxvii. (*except as altered*) *extended to this Act.* § 1.]

Cap. ii.

An Act for altering and enlarging the Powers of the Acts relating to the *Midland Counties* Railway. [22d *April* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* lxxviii. 1 & 2 *Vict. c.* lvii. *and* 3 & 4 *Vict. c.* cxxx. (*except as altered*) *extended to this Act.*]

Cap. iii.

An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Railway. [22d *April* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* lxxv. 7 *W.* 4. & 1 *Vict. c.* xciii. 2 & 3 *Vict. cc.* xlii. & lxxix. *and* 3 & 4 *Vict. c.* xlvi. (*except as altered*) *extended to this Act.* § 1.]

Cap. iv.

An Act to authorize the *Brandling Junction* Railway Company to raise a further Sum of Money. [22d *April* 1842.]

[*Company empowered to raise a further Sum of* 100,000*l.*, § 1.]

Cap. v.

An Act to authorize the Purchase of a certain Ferry called " *Woodside Ferry*" by the Commissioners for the Improvement of the Township or Chapelry of *Birkenhead* in the County Palatine of *Chester;* and for amending the Improvement Acts for the said Township. [22d *April* 1842.]

[*Powers of* 3 & 4 *W.* 4. *c.* lxviii. *and* 1 & 2 *Vict. c.* xxxiii. (*except as altered*) *extended to this Act,* § 1. *Saving the Rights of the Birkenhead Ferry,* § 75.]

Cap. vi.

An Act for better supplying with Water the Town and Neighbourhood of *Bradford* in the West Riding of the County of *York.* [22d *April* 1842.]

[*Saving the Rights of the Bradford Gas Light Company,* § 340; *and of the Lady of the Manor of Wilsden and Allerton, and of the Lord of the Manor of Bradford and Manningham,* § 361.]

Cap. vii.

An Act for lighting with Gas the Town of *Stalybridge,* and the Neigbourhood thereof, in the Counties of *Chester* and *Lancaster.* [22d *April* 1842.]

[*Saving the Rights of Commissioners for lighting, watching, &c., and of Trustees of Turnpike Roads,* § 193.]

Cap. viii.

An Act to continue and amend "An Act to rebuild *Windsor Bridge* in the Borough of *New Windsor* in the County of *Berks*, and to improve the Avenues thereto." [22d *April* 1842.]

[*Powers of* 59 *G.* 3. *c.* cxxvi. (*except as altered*) *extended to this Act*, § 1. *Recited Act and this Act to continue in force for Thirty-one Years from the passing, and thence to the End of the then next Session*, § 2.]

Cap. ix.

An Act for restoring to the City and County of *Bristol* a Portion of the ancient Boundary of the same. [22d *April* 1842.]

[*So much of* 5 & 6 *W.* 4. *c.* lxxvi. 2 & 3 *W.* 4. *c.* lxiv. *and* 6 & 7 *W.* 4. *c.* ciii. *as separates any Part of the City of Bristol, repealed*, § 1.]

Cap. x.

An Act for prohibiting Burying and Funeral Service in a Church or Chapel in the Parish of *Saint Pancras* in the County of *Middlesex* erected on the Estate of the Duke of *Bedford*. [22d *April* 1842.]

Cap. xi.

An Act to explain and amend an Act, intituled *An Act to make, alter, improve, and maintain certain Roads in the Counties of* Stirling, Dumbarton, Lanark, *and* Perth; and for making and maintaining certain new Roads in connexion therewith. [22d *April* 1842.]

[*Powers of* 3 & 4 *Vict. c.* ci. (*except as altered*) *to continue in force*, § 1. *This Act to continue in force during the Term of the recited Act*, § 21.]

Cap. xii.

An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof. [29th *April* 1842.]

[*Powers of* 1 & 2 *Vict. c.* lviii. *and* 3 & 4 *Vict. c.* cviii. (*except as altered*) *extended to this Act*, § 1.]

Cap. xiii.

An Act for granting more effectual Powers for lighting with Gas the Town of *Nottingham*, and several Parishes and Places adjacent thereto. [29th *April* 1842.]

[58 *G.* 3. *c.* lvii. *repealed*, § 1. *Saving the Rights of the Directors and Trustees for lighting the Town*, § 186.]

Cap. xiv.

An Act for taking down the Market House in the Town of *Saint Austell* in the County of *Cornwall*, and for erecting a more convenient Market House intead thereof; for providing a new Market Place; and for increasing and regulating the Markets and Fairs within the same Town. [29th *April* 1842.]

Cap. xv.

An Act to facilitate the raising of Capital for the Completion of the *Bolton and Preston* Railway. [13th *May* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* cxxi. *and* 1 & 2 *Vict. c.* lvi. (*except as altered*) *extended to this Act*, § 1.]

Cap. xvi.

An Act to enable the *Birmingham and Derby Junction* Railway Company to raise a further Sum of Money. [13th *May* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* xxxv. 1 & 2 *Vict. c.* lxxxii. *and* 3 & 4 *Vict. c.* li. (*except as altered*) *extended to this Act*, § 1.]

Cap. xvii.

An Act to alter, amend, extend, and enlarge the Powers and Provisions of an Act relating to the *Great North of England, Clarence, and Hartlepool Junction* Railway in the County of *Durham*. [13th *May* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* xcv. (*except as altered*) *extended to this Act*, § 1.]

Cap. xviii.

An Act to alter and amend some of the Provisions of the Act relating to the *Sheffield, Ashton-under-Lyne, and Manchester* Railway. [13th *May* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* xxi. (*except as altered*) *extended to this Act*, § 1.]

Cap. xix.

An Act to extend the Provisions of an Act of the Seventh Year of the Reign of King *William* the Fourth, relative to the Pier of *Granton* in the County of *Edinburgh*. [13th *May* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* xv. (*except as altered*) *extended to this Act*, § 1. *Saving the Rights of Commissioners for Northern Lights*, § 3.]

Cap. xx.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Weston-super-Mare* in the County of *Somerset*, and for establishing a Market therein. [13th *May* 1842.]

[*Saving of Manorial Rights*, § 346.]

Cap. xxi.

An Act for regulating legal Proceedings by or against the Northern Coal Mining Company, for enabling the Company to appoint One Board of Directors in lieu of Two independent Boards, and for removing Restrictions in the Choice of Directors. [13th *May* 1842.]

Cap. xxii.

An Act for erecting a Market House and for regulating the Market within the Borough and Town of *Great Torrington* in the County of *Devon*. [13th *May* 1842.]

[*Certain Provisions of* 5 & 6 *W.* 4. *c.* 76. *applied to this Act*, § 4.]

Cap. xxiii.

An Act for draining certain Fen Lands and Low Grounds in the Parishes of *Cottenham*, *Rampton*, and *Willingham*, in the County of *Cambridge*. [13th *May* 1842.]

[*Saving the Rights of the Bedford Level Corporation and Commissioners of South Level*, § 170. *General Saving*, § 171.]

Cap. xxiv.

An Act for improving the Navigation of the *Severn* from the Entrance Lock of the *Gloucester* and *Berkeley* Canal, and from the Entrance Lock of the *Herefordshire* and *Gloucestershire* Canal, in the County of *Gloucester*, to *Gladder* or *Whitehouse Brook* in the County of *Worcester*. [13th *May* 1842.]

[*Goods laden Two Miles above Gladder or Whitehouse Brook exempted from Toll*, § 194. *Manure* (*except Lime*) *also exempted from Toll*, § 196. *Saving the Rights of the Corporation of Gloucester*, § 255.; *and of Lords of Manors and Owners of Fisheries*, § 256.]

Cap. xxv.

An Act for maintaining and repairing the Road from *Glasgow* to *Redburn Bridge*, and a Branch Road leading therefrom. (*b*) [13th *May* 1842.]

[6 *G.* 4. *c.* cxci. *repealed*, § 1. *Powers of* 1 & 2 *W.* 4. *c.* 43. (*except as altered*) *extended to this Act*, § 2. *Tolls to be paid only once in Four Miles*, § 11.]

Cap. xxvi.

An Act for amending an Act relating to the Paving and Sewerage of the Town of *Liverpool* in the County Palatine of *Lancaster*. [13th *May* 1842.]

[*Powers of* 11 *G.* 4. & 1 *W.* 4. *c.* xv. (*except as altered*) *extended to this Act*, § 1. *Saving the Rights of the Devisees of the late Duke of Bridgewater*, § 47.]

Cap. xxvii.

An Act to facilitate Arrangements consequent upon the Dissolution of the *Stanhope and Tyne* Railroad Company, and to incorporate some of the Proprietors, for the Purpose of continuing the working of a Part of the Railway belonging to the said Company. [13th *May* 1842.]

Cap. xxviii.

An Act to amend Two Acts relating to the *Cheltenham and Great Western Union* Railway. [13th *May* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* lxxvii. *and* 1 & 2 *Vict. c.* xxiv. (*except as altered*) *extended to this Act*, § 1.]

Cap. xxix.

An Act to amend the Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and to grant further Powers to the Company of Proprietors thereof. [13th *May* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* cxvii. *and* 3 & 4 *Vict. c.* liii. (*except as altered*) *extended to this Act*, § 1.]

Cap. xxx.

An Act for granting further Powers to the Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation. [13th *May* 1842.]

[*Powers of* 7 *G.* 4. *c.* xcv. 7 & 8 *G.* 4. *c.* ii. 1 *W.* 4. *c.* liv. *and* 4 & 5 *W.* 4. *c.* xxi. (*except as altered*) *extended to this Act*, § 1.]

Cap. xxxi.

An Act to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, for enlarging the Floating Dock within the Port of *Bristol*, and for other Works connected therewith. [31st *May* 1842.]

[16 *G.* 3. *c.* 33. *repealed*, § 1. *Saving the Rights of the Master, Wardens, &c. under the Bristol Dock Acts*, § 4.]

Cap. xxxii.

An Act for making a Pier at *Gosport* in the Parish of *Alverstoke* in the County of *Southampton*. [31st *May* 1842.]

[*Vessels in Her Majesty's Service and in the Service of the Customsexempted from Toll*, § 161. *Saving the Rights of the Trinity House*, § 224.; *and of the Mayor, &c. of Portsmouth*, § 225.]

Cap. xxxiii.

An Act to alter, amend, and enlarge the Powers and Provisions of the several Acts relating to the *Ellesmere* and *Chester* Canal Navigation. [31st *May* 1842.]

[*Powers of* 7 & 8 *G.* 4. *c.* cii. 11 *G.* 4. & 1 *W.* 4. *c.* li. 7 *W.* 4. & 1 *Vict. c.* lxxx. (*except as altered*) *extended to this Act*, § 1. *Saving the Rights of the Trent and Mersey Navigation Company*, § 32.]

Cap. xxxiv.

An Act to alter, amend, and enlarge the Powers and Provisions of the Acts relating to the *London and Blackwall* Railway. [31st *May* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* cxxxiii. 7 *W.* 4. & 1 *Vict. c.* cxxxiii. 2 & 3 *Vict. c.* xcv. *and* 4 & 5 *Vict. c.* xii. (*except as altered*) *extended to this Act*, § 1.]

Cap. xxxv.

An Act for authorizing the *Saundersfoot* Railway and Harbour Company to make an Extension of their present Railway, and also to make Two Branches from such Railway respectively within the County of *Pembroke*; and for extending the Provisions of the Act relating to the said Company. [31st *May* 1842.]

[*Powers of* 10 *G.* 4. *c.* cviii. (*except as altered*) *extended to this Act*, § 1.]

Cap. xxxvi.

An Act for incorporating the Equitable Gas Light Company, and for more effectually lighting with Gas certain Parishes and Places within the City and Liberty of *Westminster*, and the Western Parts of the Metropolis, and other Parishes and Places in the County of *Middlesex*. [31st *May* 1842.]

[*Saving the Rights of Commissioners of Sewers*, § 204.; *and of Commissioners of Pavement*, § 205.; *and of Commissioners for paving the Crown Estates*, § 206.; *and of Commissioners of the Metropolis Roads*, § 207. *General Saving*, § 208.]

Cap. xxxvii.

An Act to improve, repair, and maintain certain Roads in the Counties of *Lanark*, *Stirling*, and *Dumbarton*; and to make and maintain a new Line of Road in connexion therewith. (*a*) [31st *May* 1842.]

[3 *G.* 4. *c.* cx. *repealed*, § 1. *Powers of* 1 & 2 *W.* 4. *c.* 43. (*except as altered*) *extended to this Act*, § 2.]

Cap. xxxviii.

An Act for more effectually maintaining and repairing certain Roads in the Counties of *Aberdeen*, *Banff*, and *Kincardine*, and for making certain new Roads in the said Counties, or some of them. (*a*) [31st *May* 1842.]

[1 *G.* 4. *c.* liii. *repealed*, § 1. *No Toll to be taken on the Road between Aberdeen and Bridge of Dee*, § 25. *Tolls to be paid but once a Day at same Gate*, § 27. *Peat and Turf for Fuel* (*except when for Sale*) *exempted from Toll*, § 29. *No more Money to be laid out on Roads than is collected thereon*, § 34.]

Cap. xxxix.

An Act for regulating legal Proceedings by or against "The *Cwn Celyn* and *Blaina* Iron Company," and for granting certain Powers thereto. [18th *June* 1842.]

Cap. xl.

An Act for regulating the Communication between the *Birmingham* and *Liverpool* Junction Canal Navigation and the *Staffordshire* and *Worcestershire* Canal Navigation, and for amending the several Acts relating to such first-mentioned Canal Navigation. [18th *June* 1842.]

[*Powers of* 7 *G.* 4. *c.* xcv. 7 & 8 *G.* 4. *c.* ii. 1 *W.* 4. *c.* liv. *and* 4 & 5 *W. c.* xxi. (*except as altered*) *extended to this Act*, § 1.]

Cap. xli.

An Act for altering and amending an Act of the Fourth and Fifth Year of Her present Majesty, intituled *An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the* Forth *and* Clyde *Navigation;* for enlarging and making Reservoirs for better supplying the said Navigation with Water; and for enabling the Company of Proprietors of the said Navigation to purchase and acquire the *Forth* and *Cart* Junction Canal. [18th *June* 1842.]

[*Powers of 4 & 5 Vict. c.* lv. (*except as altered*) *extended to this Act,* § 1.]

Cap. xlii.

An Act for improving the Navigation of *Faversham Creek* in the County of *Kent.* [18th *June* 1842.]

Cap. xliii.

An Act to amend the Act relating to the *Saint Philip's Bridge* in the City and County of *Bristol,* and for widening and improving the Approaches to the said Bridge. [18th *June* 1842.]

[*Powers of* 1 & 2 *Vict. c.* lxvi. (*except as altered*) *extended to this Act,* § 1.]

Cap. xliv.

An Act for the Promotion of the Health of the Inhabitants of the Borough of *Liverpool,* and the better Regulation of Buildings in the said Borough. [18th *June* 1842.]

[2 & 3 *Vict. c.* xcii. *repealed,* § 1. *Saving the Rights of the Council to make Bye Laws,* § 123.; *and the Rights of Commissioners of Paving, &c.* § 124.; *and of the Liverpool Waterworks and Gas Companies,* § 125.; *and of the Devisees of the late Duke of Bridgewater,* § 126.]

Cap. xlv.

An Act to alter some of the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, relating to the *New Cross* Turnpike Roads, in the Counties of *Kent* and *Surrey.* [18th *June* 1842.]

[7 *G.* 4. *c.* cxxv. *in part repealed,* § 1. *The other Powers of recited Act and of* 2 & 3 *Vict. c.* xiv. (*except as altered or repealed*) *extended to this Act,* § 4. *Act to commence from* 30*th September* 1842, *and remain in force during the Term of the first-recited Act,* § 5.]

Cap. xlvi.

An Act for granting further Powers to the *Bristol and Gloucester* Railway Company. [18th *June* 1842.]

[*Powers of* 9 *G.* 4. *c.* xciii. 4 & 5 *W.* 4. *c.* ii. *and* 2 & 3 *Vict. c.* lvi. (*except as altered*) *extended to this Act,* § 1.]

Cap. xlvii.

An Act to alter and amend the Provisions of the Act for opening a Street to *Clerkenwell Green* in the County of *Middlesex.* [18th *June* 1842.]

[*Powers of* 3 & 4 *Vict. c.* cxii. (*except as altered*) *extended to this Act,* § 1.]

Cap. xlviii.

An Act for paving, lighting, watching, cleansing, and improving *Ely Place,* and *Ely Mews, Holborn,* in the County of *Middlesex.* [18th *June* 1842.]

Cap. xlix.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Fleetwood* and the Neighbourhood thereof in the County Palatine of *Lancaster,* and for establishing a Market therein. [18th *June* 1842.]

Cap. l.

An Act to alter and amend an Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, for lighting and watching certain Parts of the Liberties, Hamlets, or Districts of *Camberwell* and *Peckham* in the County of *Surrey.* [18th *June* 1842.]

[*Powers of* 54 *G.* 3. *c.* ccxiii. (*except as altered*) *extended to this Act,* § 1.]

Cap. li.

An Act to explain an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of* Saint Pancras *in the County of* Middlesex. [18th *June* 1842.]

Cap. lii.

An Act to restrict the vexatious Removal of certain Actions from the Borough Court of *Liverpool.* [18th *June* 1842.]

[*Powers of* 4 & 5 *W.* 4. *c.* xcii. 6 & 7 *W.* 4. *c.* cxxxv. 7 *W.* 4. & 1 *Vict. c.* xcviii. *and* 1 & 2 *Vict. c.* xcix. (*except as altered*) *extended to this Act,* § 1.

Cap. liii.

An Act for enabling the *Saundersfoot* Railway and Harbour Company to make a Floating Dock at *Saundersfoot* in the County of *Pembroke,* and for extending the Provisions of the Act relating to the said Company with reference to the said Harbour. [18th *June* 1842.]

[*Powers of* 10 *G.* 4. *c.* cviii. *and* 5 *Vict. Sess.* 2. *c.* xxxv. (*except as altered*) *extended to this Act,* § 1.]

Cap. liv.

An Act for further improving, enlarging, and maintaining the Harbours of the Town of *Greenock.* [18th *June* 1842.]

[*Powers of* 13 *G.* 3. *c.* 28. 29 *G.* 3. *c.* 43. 41 *G.* 3. *c.* li. 43 *G.* 3. *c.* lxxxvii. 50 *G.* 3. *c.* clxvii. *and* 57 *G.* 3. *c.* xxxii. (*except as altered*) *extended to this Act,* § 1.

Cap. lv.

An Act for transferring to the Trustees of the River *Welland* in the County of *Lincoln* certain Dues payable in respect of Vessels using the said River, Part of the Port and Harbour of *Boston,* and their Cargoes, for better effecting Improvements authorized by a former Act; and for amending several Acts relating to the same. [18th *June* 1842.]

[4 & 5 *W.* 4. *c.* lxxxvii. *repealed,* § 1.]

Cap. lvi.

An Act for the Improvement of the Port and Harbour of *Drogheda.* [18th *June* 1842.]

[30 *G.* 3. (*I.*) 37 *G.* 3. (*I.*) 48 *G.* 3. *c.* cvi. 50 *G.* 3. *c.* x. *and* 7 & 8 *G.* 4. *c.* xxxv. *repealed,* § 1.]

Cap. lvii.

An Act to explain and amend the Powers and Provisions of the Act relating to the *Warkworth* Harbour in the County of *Northumberland.* [18th *June* 1842.]

[*Powers of* 7 *W.* 4. & 1 *Vict. c.* lxxvii. (*except as altered*) *extended to this Act,* § 1.]

Cap. lviii.

An Act for amending the Acts relating to the *Gravesend* Town Quay and Pier. [18th *June* 1842.]

[*Powers of* 9 *G.* 4. *c.* lvi. *and* 3 & 4 *W.* 4. *c.* ci. (*except as altered*) *extended to this Act,* § 1.]

Cap. lix.

An Act for erecting a Pier at the Royal Terrace Gardens in the Town of *Gravesend* in the County of *Kent.* [18th *June* 1842.]

Cap. lx.

An Act for amending the several Acts relating to the Port and Harbour of *Boston* in the County of *Lincoln.* [18th *June* 1842.]

[*Powers of* 52 *G.* 3. *c.* cv. *and* 7 & 8 *G.* 4. *c.* lxxix. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxi.

An Act for authorizing the Conveyance of a Piece of Land upon which a Church at *Kingstown* in the County and Diocese of *Dublin* and Parish of *Monkstown* has been erected, and for providing for the due Celebration of Divine Service in the said Church, and for assigning a District thereto. [18th *June* 1842.]

Cap. lxii.

An Act to amend an Act for erecting a Harbour at *Ardrossan* in the County of *Ayr,* and to provide for the Improvement of the said Harbour. [18th *June* 1842.]

[*Powers of* 45 *G.* 3. *c.* xxx. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxiii.

An Act for regulating and maintaining the Fisheries in the River *Tyne.* [18th *June* 1842.]

Cap. lxiv.

An Act for regulating legal Proceedings by or against "The Guarantee Society," and for granting certain Powers thereto. [18th *June* 1842.]

Cap. lxv.

An Act to enable the City of *Glasgow* Life Assurance and Reversionary Company to sue and be sued; and for other Purposes relating to the said Company. [18th *June* 1842.]

Cap. lxvi.

An Act to enable "The Imperial Insurance Company" to alter some of the Provisions of their Deed of Settlement, and better regulate their Proceedings and the Investment of their Funds. [18th *June* 1842.]

Cap. lxvii.

An Act for regulating legal Proceedings by or against "The Indemnity Mutual Marine Assurance Company." [18th *June* 1842.]

Cap. lxviii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act relating to the *Holywell* District of Turnpike Roads in the County of *Flint*, and for making new Roads to communicate therewith. [18th *June* 1842.]

[*Powers of* 3 & 4 *W.* 4. *c.* xxv. (*except as altered*) *extended to this Act*, § 1. *No more Money to be expended on Roads than is collected thereon*, § 14. *Act to commence from its passing, and continue in force during the Term of the recited Act*, § 18.]

Cap. lxix.

An Act to amend the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for more effectually repairing and improving the Road from* Market Harborough *in the County of* Leicester *to* Brampton *in the County of* Huntingdon. [18th *June* 1842.]

[1 *G.* 4. *c.* lxxx. *and* 4 & 5 *Vict. c.* xxxv. *recited. No Toll to be taken between Market Harborough and St. Mary's Bridge*, § 1.]

Cap. lxx.

An Act for more effectually repairing the Roads from the Borough of *Leicester* to *Narborough*, and from the said Borough of *Leicester* to *Earl Shilton*, and from *Earl Shilton* to *Hinckley*, all in the County of *Leicester*. (*a*) [18th *June* 1842.]

[39 & 40 *G.* 3. *c.* iii. *and* 1 & 2 *G.* 4. *c.* ix. *repealed*, § 1. *Three full Tolls only to be taken on same Day between Leicester and Hinckley, and One only between Leicester and Narborough, and Two only between Leicester and Earl Shilton*, § 11. *Lime for Manure exempted from Toll*, § 15. *Penalty of* 20*s. for hanging out Clothes or fixing Hooks near the Road*, § 16. *No more Money to be laid out in repairing Roads than is collected thereon*, § 19. *Tolls not to be laid out in improving Towns*, § 20.]

Cap. lxxi.

An Act to explain and amend an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of *Lincoln*. [18th *June* 1842.]

[4 & 5 *Vict. c.* cviii. *recited*, § 1. *Two Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, and no Toll to be taken within the Distance of Five Miles*, § 3. *Act to continue in force during the Term of the recited Act*, § 8.]

Cap. lxxii.

An Act for maintaining certain Roads in the County of *Salop* called The *Church Stretton* and *Longden* Roads. (*a*) [18th *June* 1842.]

[1 & 2 *G.* 4. *c.* ci. *repealed*, § 1. *Two full Tolls only to be taken on same Day for passing and repassing once through all the Gates between Coleham Bridge and Church Stretton, and between Pulley Common and the Maypole in Condover, and One Toll only between Coleham Bridge and the Gate at Castle Pulverbatch*, § 10. *No more Money to be laid out in repairing Roads than is collected thereon*, § 19. *Tolls not to be laid out in improving Towns*, § 20.]

Cap. lxxiii.

An Act for more effectually repairing the Road from *Bolton* to *Westhoughton* in the County Palatine of *Lancaster*. (*a*) [18th *June* 1842.]

[39 & 40 *G.* 3. *c.* lxxi. *and* 1 & 2 *G.* 4. *c.* lxxviii. *repealed*, § 1. *Road Materials, if drawn in Carriages with narrow Wheels, or to be used in distant Townships, liable to Toll*, §§ 11, 12. *Road Materials not exempt from Toll during the Winter Months*, § 13. *One Toll only to be taken on same Day for passing and repassing once, and Four Tolls only for passing and repassing any Number of Times on same Day, through all the Gates on the Road*, § 15. *Tolls to be paid but once a Day at same Gate*, § 16. *Extra Weights to pay double Toll between* 1*st November and* 1*st April*, § 20.]

Cap. lxxiv.

An Act for more effectually repairing the Road from the Borough of *Leicester* in the County of *Leicester* to the Town of *Ashby-de-la-Zouch* in the said County. (*a*) [18th *June* 1842.]

[26 *G.* 2. *c.* 46. 19 *G.* 3. *c.* 90. 39 & 40 *G.* 3. *c.* ii. *and* 1 & 2 *G.* 4. *c.* viii. *repealed*, § 1. *Three full Tolls only to be taken on same Day for passing through all the Gates between Leicester and Ashby-de-la-Zouch, and Two Tolls only between Leicester and the Eighth Milestone therefrom*, § 10. *Tolls to be paid but once a Day at same Gate*, § 11. *Lime for Manure exempted from Toll*, § 14. *Penalty of* 20*s. for hanging out Clothes near the Road*, § 15. *Tolls not to be laid out in improving Towns*, § 18.]

Cap. lxxv.

An Act to alter and amend the Acts for making, repairing, and keeping in repair the Road from *Stonehaven*, through the *Slug Mount*, to the Bridge at *Cobleheugh*, in the County of *Kincardine*. (*a*) [18th *June* 1842.]

[39 & 40 *G.* 3. *c.* xvii. *and* 1 *G.* 4. *c.* xxvii. *repealed*, § 1. *Powers of* 1 & 2 *W.* 4. *c.* 43. (*except as altered*) *extended to this Act*, § 2. *Persons having paid Toll to return Toll-free*, § 16. *Tolls to be levied only once in Six Miles*, § 17.]

Cap. lxxvi.

An Act to amend an Act of His late Majesty King *George* the Fourth, for repairing the Road from *Dundalk* in the County of *Louth* to *Bannbridge* in the County of *Down*, so far as relates to the Southern Division of the said Road. [18th *June* 1842.]

[23 & 24 *G.* 3. (*I.*) *and* 1 & 2 *G.* 4. *c.* cvi. *repealed*, § 1. *Her Majesty and Royal Family; Materials for Roads or Bridges; Horses, &c. employed in Husbandry, and not going more than Two Miles on the Road; Persons going to or returning from public Worship on Sundays, Christmas Day, and Good Friday Soldiers on March or Duty; public Stores; and Volunteer Infantry, Yeomanry or Cavalry, on Duty exempted from Toll*, § 29. *Act to continue in force for Twenty-one Years from its passing*, § 140.]

Cap. lxxvii.

An Act for repairing and maintaining several Roads leading from the Town of *Kington*, and other Roads branching therefrom, in the County of *Hereford*. (*a*) [18th *June* 1842.]

[29 *G.* 2. *c.* 65. 13 *G.* 3. *c.* 95. 34 *G.* 3. *c.* 119. *and* 59 *G.* 3. *c.* lxxxii. *repealed*, § 1. *A Second Toll not to be taken within Four Miles*, § 10. *Materials for Roads or Bridges, and Bones and Salt for Manure, exempted from Toll*, § 15. *No more Money to be laid out in repairing Roads than is collected thereon*, § 20. *Tolls not to be laid out in improving Towns*, § 21.]

Cap. lxxviii.

An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, for supplying the Towns of *Old* and *New Brentford* in the County of *Middlesex*, and other Places therein mentioned, with Gas; and to raise a further Sum of Money for carrying on the said Undertaking. [18th *June* 1842.]

[*Powers of* 2 *G.* 4. *c.* lxix. (*except as altered*) *extended to this Act*, § 1.]

Cap. lxxix.

An Act for incorporating the South Metropolitan Gas Light and Coke Company, and for more effectually lighting with Gas certain Places within the Borough of *Southwark*, and other Parishes and Places in the Counties of *Surrey* and *Kent*. [18th *June* 1842.]

Cap. lxxx.

An Act for completing the Railway Communication between the Towns of *Newcastle-on-Tyne* and *Darlington*, by a Railway to be called the *Newcastle and Darlington Junction* Railway, with a Branch to the City of *Durham*. [18th *June* 1842.]

Cap. lxxxi.

An Act for making a Branch Railway from the *London and Birmingham* Railway at *Coventry* to communicate with the Towns of *Warwick* and *Leamington* in the County of *Warwick*. [18th *June* 1842.]

Cap. lxxxii.

An Act for making a Railway from *Great Yarmouth* to *Norwich* in the County of *Norfolk*. [18th *June* 1842.]

Cap. lxxxiii.

An Act for enabling the *Dundee and Arbroath* Railway Company to raise a further Sum of Money, and to amend the Provisions of the Act relating to the said Railway. [18th *June* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* xxxii. (*except as altered*) *extended to this Act*, § 1.]

Cap. lxxxiv.

An Act for the Abandonment of a Portion of the Line of the *Great North of England* Railway, and for altering and amending the Acts relating thereto. [18th *June* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* cv. 7 *W.* 4. & 1 *Vict. c.* cii. 2 & 3 *Vict. c.* xl. *and* 4 & 5 *Vict. c.* xxxviii. (*except as altered*) *extended to this Act,* § 1.]

Cap. lxxxv.

An Act for regulating legal Proceedings by or against "The Metropolitan Patent Wood Paving Company," and for granting certain Powers thereto. [22d *June* 1842.]

Cap. lxxxvi.

An Act for repairing, improving, and maintaining the Road leading from *Ferrybridge*, through *Wetherby*, to *Boroughbridge* in the County of *York*. [22d *June* 1842.]

[14 *G.* 2. *c.* 28. 26 *G.* 2. *c.* 77. 23 *G.* 3. *c.* 95. 39 *G.* 3. *c.* x. *and* 1 *G.* 4. *c.* i. *repealed,* § 1. *Three Tolls only to be taken on same Day for passing and repassing once between Boroughbridge and Wetherby, and One Toll only between Wetherby and Aberford, and One only between Aberford and the Fox Inn at Brotherton,* § 11. *Persons having paid Toll to return Toll-free,* § 12. *Manure not exempted from Toll during the Winter Months unless drawn in Carriages with broad Wheels,* § 16. *Tolls not to be laid out in improving Towns,* § 20. *Act to continue in force for Forty-one Years from the* 1*st of July* 1842, § 23.]

Cap. lxxxvii.

An Act to amend, alter, and enlarge the Powers and Provisions of an Act for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury* in the County of *Suffolk*. [30th *June* 1842.]

Cap. lxxxviii.

An Act for the Administration of the Laws relating to the Poor in the Parish of *Liverpool* in the County of *Lancaster*. [30th *June* 1842.]

Cap. lxxxix.

An Act for extending and enlarging some of the Provisions of an Act relating to the *Thames Haven* Dock and Railway. [30th *June* 1842.]

[*Powers of* 6 & 7 *W.* 4. *c.* cviii. (*except as altered*) *extended to this Act* § 1.]

Cap. xc.

An Act for the maintaining and better regulating of the *Stockton and Hartlepool* Railway, and for incorporating the Proprietors thereof. [30th *June* 1842.]

Cap. xci.

An Act for constructing a Low-water Pier and necessary Works at *Burntisland* in the County of *Fife*, and establishing a Ferry between the same and *Granton* in the County of *Edinburgh*, and for improving the Communication between the said Pier and *Kinghorn*. [30th *June* 1842.]

Cap. xcii.

An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, for repairing the Road from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecomer*, so far as relates to the Second Division of the said Road (*b*) [30th *June* 1842.]

[1 & 2 *G.* 4. *c.* xxxviii. *in part repealed,* § 1. *Her Majesty and the Royal Family; Materials for Roads or Bridges; Surveyors of the said Roads; Horses, &c. employed in Husbandry, and not going more than Two Miles on the Road; Soldiers on March or Duty; public Stores; and Volunteer Infantry, Yeomanry or Cavalry, on Duty, exempted from Toll,* § 118. *One Toll only to be taken on same Day for passing and re-passing once through all the Gates on the Road,* § 123. *Persons having paid Toll to return Toll free,* § 124. *Extra Weight to pay double Tolls between* 1*st November and* 1*st April,* § 125.]

Cap. xciii.

An Act for repairing and improving the Road from *Tadcaster* to *Otley* in the West Riding of the County of *York*. (*a*) [30th *June* 1842.]

[1 & 2 *G.* 4. *c.* i. *repealed,* § 1. *Two Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road,* § 10. *Persons having paid Toll to return free,* § 11. *Tolls not to be laid out in improving Towns,* § 18.]

Cap. xciv.

An Act for repairing and maintaining several Roads leading from the Town of *Bromyard* in the County of *Hereford*, and other Roads adjoining thereto in the said County and in the County of *Worcester*, and for making several new Lines of Road connected therewith in the same Counties. (*a*) [30th *June* 1842.]

[1 & 2 *G.* 4. *c.* xcii. *repealed*, § 1. *Materials for Roads and Bridges, Draining Tiles, or Lime for Manure not exempted from Toll, unless drawn in Carriages with broad Wheels, &c.*, § 20. *Timber and other Building Materials to pay double Toll between the 30th September and 1st March*, § 22. *Two Tolls only to be taken on same Day in each District*, § 23. *Tolls to be paid but once a Day at same Gate*, § 25. *No more Money to be laid out in repairing Roads than is collected thereon*, § 37.]

Cap. xcv.

An Act for repairing the several Roads leading to and from the Market House in *Stourbridge* in the County of *Worcester*, and several other Roads connected with the said Roads in the Counties of *Worcester*, *Stafford*, and *Salop*. (*a*) [30th *June* 1842.]

[1 & 2 *G.* 4. *c.* lxxxviii. *repealed*, § 1. *Two Tolls only to be taken on same Day on the First District, and One only on the Second District*, § 20. *Persons having paid Toll to return free*, § 21. *No more Money to be laid out in repairing Roads than is collected thereon*, § 29.]

Cap. xcvi.

An Act to amend an Act for incorporating and granting certain Powers to the *North American* Colonial Association of *Ireland*, and for explaining, altering, and enlarging the Provisions thereof. [1st *July* 1842.]

[5 & 6 *W.* 4. *c.* cx. *in part repealed*, § 1.]

Cap. xcvii.

An Act to alter and amend the Powers and Provisions of the Acts relating to the making and maintaining of a Pier and other Works at *Deptford* in the County of *Kent*. [9th *July* 1842.]

[*Powers of* 5 & 6 *W.* 4. *c.* xiii. *and* 2 & 3 *Vict. c.* lxxv. (*except as altered*) *extended to this Act*, § 1.]

Cap. xcviii.

An Act to enable the Sheriffdom of *Ross* and *Cromarty* to provide proper Court House Accommodations, and for other Purposes relative thereto. [9th *July* 1842.]

Cap. xcix.

An Act to enable the "*Forth* Marine Insurance Company" to sue and be sued, and for other Purposes. [9th *July* 1842.]

Cap. c.

An Act for making and maintaining as Turnpike the Road leading from the *Preston* and *Blackburn* Turnpike Road at *Finnington* in the Township of *Chorley* in the County of *Lancaster*. (*a*) [9th *July* 1842.]

[*Tolls to be paid but twice a Day on the whole Line of Road*, § 24. *Persons having paid Toll to return Toll-free*, § 25. *Extra Weight to pay double Toll between 1st November and 1st April*, § 28. *Manure exempted from Toll*, § 29. *Tolls not to be laid out in improving Towns*, § 36.]

Cap. ci.

An Act for further extending the Approaches to *London Bridge* and the Avenues adjoining to the *Royal Exchange* in the City of *London*, and for amending the Acts relating thereto respectively; and for raising a Sum of Money towards opening a Street to *Clerkenwell Green* in the County of *Middlesex* in continuation of the new Street from *Farringdon Street* in the City of *London*. [16th *July* 1842.]

Cap. cii.

An Act for amending some of the Powers of the Acts relating to the *London and Greenwich* Railway. [16th *July* 1842.]

[*Powers of* 3 & 4 *W.* 4. *c.* xlvi. 7 *W.* 4. & 1 *Vict. c.* l. 1 & 2 *Vict. c.* iv. 2 & 3 *Vict. c.* xix. 4 & 5 *Vict. c.* cxxvii. *and* 4 & 5 *Vict. c.* cxxviii. (*except as altered*) *extended to this Act*, § 2.]

Cap. ciii.

An Act for providing additional Burial Grounds in the Parish of *Leeds* in the West Riding of the County of *York*. [16th *July* 1842.]

Cap. civ.

An Act for better lighting, cleansing, sewering, and improving the Borough of *Leeds* in the County of *York*. [16th *July* 1842.]

[5 *G.* 4. *c.* cxxiv. *repealed*, § 1.]

Cap. cv.

An Act for better paving and improving the Streets and Highways within the Extra-parochial Place of *Toxteth Park* in the County Palatine of *Lancaster*, and for the Sewerage of certain Parts of the said Place. [16th *July* 1842.]

Cap. cvi.

An Act for the Improvement, good Government, and Police Regulation of the Borough of *Liverpool*. [16th *July* 1842.]

[*Recited Acts in part repealed*, § 1.]

Cap. cvii.

An Act for making a new Street from *Blackman Street* to the *Southwark Bridge Road*, and for improving the District called the *Mint*, all in the Parish of *Saint George the Martyr* in the Borough of *Southwark* in the County of *Surrey*. [30th *July* 1842.]

Cap. cviii.

An Act for better enabling The *Liverpool and Manchester* Railway Company to extend the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway. [30th *July* 1842.]

[*Powers of* 7 *G.* 4. *c.* xlix. 9 *G.* 4. *c.* vii. 10 *G.* 4. *c.* xxxv. 2 & 3 *W.* 4. *c.* xlvi. 7 & 8 *G.* 4. *c.* xxi. 1 *W.* 4. *c.* li. 7 *W.* 4. & 1 *Vict. c.* xxvii. *and* 2 & 3 *Vict. c.* xli. (*except as altered*) *extended to this Act*, § 1.]

Cap. cix.

An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Sonning*, near the Town of *Reading* in the County of *Berks*. [30th *July* 1842.]

Cap. cx.

An Act for better preserving the Navigation of the River *Mersey*. [30th *July* 1842.]

Cap. cxi.

An Act for making and maintaining and improving a Harbour at *Wicklow* in the County of *Wicklow*. [30th *July* 1842.]

Cap. cxii.

An Act for maintaining and improving certain Roads in the Counties of *Lanark*, *Ayr*, and *Renfrew*; for maintaining a Bridge over the River *Clyde* at *Dalmarnock*, and for other Purposes connected therewith. [30th *July* 1842.]

[29 *G.* 3. *c.* 79. 31 *G.* 3. *c.* 95. 38 *G.* 3. *c.* 20. *and* 59 *G.* 3. *c.* lix. *repealed*, § 1. *Powers of* 1 & 2 *W.* 4. *c.* 43. (*except as altered*) *extended to this Act*, § 2.]

Cap. cxiii.

An Act to enable the Court of Chancery to appoint a Person or Persons to sue on behalf of the Copartnership of Bankers lately carrying on Business under the Firm of "The Imperial Bank of *England*," in lieu of the Public Officer. [10th *August* 1842.]

'WHEREAS a certain Copartnership of Bankers, under the Firm of "The Imperial Bank of *England*," was established by virtue of the Provisions of an Act made and passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in* England; *and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King* George *the Third, intituled* "*An Act for establishing an Agreement* "*with the Governor and Company of the Bank of* England, *for advancing the Sum of Three Millions* "*towards the Supply for the Service of the Year One thousand eight hundred*," *as relates to the same*: And whereas such Copartnership has become insolvent, and Receivers have been appointed by the High Court of Chancery to collect and get in the Estate and Effects of such Copartnership: And whereas Doubts exist as to Proceedings to be taken by or on behalf of such Copartnership in certain Cases, and it is expedient to provide Means of recovering the Estate of such Copartnership in certain Cases;' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for any Person or Persons who now is or are or who at any Time or Times hereafter may be appointed for the Purpose of collecting and getting in the Estate and Effects and other Assets of the said Copartnership in any Suit or Suits touching or concerning the said Copartnership which now is or are or which may at any Time or Times hereafter be instituted in the High Court of Chancery, in his or their own Name or Names, under the Sanction and by the Direction of the said Court, to take all Proceedings at Law and otherwise for the Recovery of the Property, Debts, and Effects, or other Assets of the said Copartnership, and do all other Acts, Matters, and Things relating thereto, as fully and effectually as if the Person or Persons so appointed or to be appointed as aforesaid had been duly appointed and returned the public Officer or Officers of the said Copartnership in manner by the said recited Act directed; and every Person or

7 G. 4. c. 46.

Power to Receiver to sue and act as public Officer under the Sanction of the Court of Chancery.

or Persons so appointed or to be appointed as aforesaid shall be indemnified out of the Estate and Effects of the said Copartnership in respect of all and every the Proceedings, Acts, Matters, and Things so to be taken and done as aforesaid: Provided always, that nothing herein contained shall extend to empower any such Person or Persons to take any Proceedings at Law or otherwise against any Person as being a Member of the said Copartnership, in respect of any Call or other Contribution due or alleged to be due from any such Person as such Member as aforesaid, or against the Representatives of any deceased Member of the said Copartnership, in respect of any such Calls or Contribution.

Act not to authorize Receiver to sue for Calls.

II. And be it enacted, That the Monies received and to be received by any Receiver or Receivers so appointed or to be appointed as aforesaid on account of the said Copartnership, and all Monies to be received by virtue of this Act, shall be applied, in the first place, in Payment of the Costs, or of such Part (if any) of the Costs of and attending the several Applications for and the passing this Act, and of and attending the carrying into effect of this Act, as to the said Court of Chancery shall seem reasonable, regard being had to all the Circumstances of the Case, and as the said Court shall, upon the Petition or Motion of such Receiver or Receivers, after due Notice given thereof, respectively order and direct; and that the Residue shall be held and applied by the Receiver and Receivers for the Time being subject to the Orders of the High Court of Chancery.

Application of Monies to be received.

III. And be it enacted, That it shall and may be lawful to and for the said Court from Time to Time to make such Order or Orders for the Payment of all Costs, Charges, and Expences which may be incurred under or by virtue of the Powers of this Act, or in any Manner incidental thereto, by and out of the Monies, Estate, and Effects to be so got in and recovered as aforesaid, and also for the Distribution of the Residue or any Part thereof unto and amongst the Creditors of such Copartnership, in such Manner and Order of Distribution, and to make all such other Orders for regulating and administering the Estate and Effects of such Copartnership, as the said Court shall think fit.

Court of Chancery to make Order for Taxation of Costs.

IV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be printed by the several Printers to the Queen's "most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy "thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, "and others."

Cap. 1.

AN Act for inclosing Lands in the Parish of *Clee* in the County of *Lincoln.* [22d *April* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Recreation of the Inhabitants,* § 53.; *and to Lords of Manors for Right of Soil,* § 54.; *and to the Impropriators and Vicar in lieu of Glebe and Common Rights,* § 60. *Vicar's Allotment to be fenced at the general Expence,* § 65. *Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after the passing of the Act,* § 67.]

Cap. 2.

An Act for inclosing and dividing *Wakeyhill Common* in the Parish of *Stapleton* in the County of *Cumberland.* [22d *April* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. 23. (*except as altered*) *extended to this Act,* § 1. *Allotments to be made for Quarries, Clay Pits, Watering Places, &c.,* § 41.; *and for the Recreation of the Inhabitants,* § 42.; *and to the Lord of the Manor for Right of Soil,* § 43.]

Cap. 3.

An Act for inclosing Lands in the Parish of *Cottenham* in the County of *Cambridge.* [22d *April* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Materials for Roads,* § 57.; *and for Recreation of the Inhabitants,* § 58.; *and to Lords of Manors for Right of Soil,* § 60.; *and to the Rector in lieu of Glebe and Common Rights,* § 61. *Rector's Allotment to be fenced at the general Expence,* § 69. *Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act,* § 72.]

Cap. 4.

An Act for vesting certain Freehold Messuages, Fee-Farm Rents, and Hereditaments, respectively situate and arising in the City of *London,* devised and settled by the Will of *Broome Witts* Esquire, deceased, in Trustees, for Sale, and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner; and also for enabling the Trustees, as to some of such Messuages and Hereditaments, in the meantime, and until Sale thereof, to grant Leases thereof for the Term of Twenty-one Years, or, in order that the same may be repaired, rebuilt, or improved, for a longer Period. [13th *May* 1842.]

Cap. 5.

An Act for inclosing Lands in the Parish of *Kingsclere* in the County of *Southampton.* [13th *May* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act,* § 1. *Allotment to be made for Road Materials,* § 54.; *and for Recreation of the Inhabitants,* § 55.; *and for Site of Church in the Parish of Kingsclere,* § 56.; *and to Lords of Manors for Right of Soil,* § 57.; *and to the Impropriators and Vicar in lieu of Glebe and Common Rights,* § 58. *Vicar's Allotment to be fenced at the general Expence,* § 63. *Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act,* § 66.]

Cap. 6.

An Act for inclosing Lands in the Parish of *Buckland* in the County of *Buckingham*. [13th *May* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for Materials for Roads*, § 57.; *and for Recreation of the Inhabitants*, § 58.; *and for Watering Places*, § 59.; *and to Lord of the Manor for Right of Soil*, § 60.; *and to Appropriators in lieu of Glebe and Common Rights*, § 61. *Appropriator's Allotment to be fenced at the general Expence*, § 66. *Incumbents, with Consent of Bishop and Patron, may lease their Allotments for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 67.]

Cap. 7.

An Act for inclosing Lands in the several Parishes of *Huish Champflower*, *Clatworthy*, and *Brompton Ralph* in the County of *Somerset*. [31st *May* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for Materials for Roads*, § 53.; *and for Recreation of the Inhabitants*, § 54.; *and to the Lord of the Manor for Right of Soil*, § 56. *Vicar's Allotment to be fenced at the general Expence*, § 61. *Incumbents, with Consent of Bishop and Patron, may lease their Allotments for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 64.]

Cap. 8.

An Act for inclosing Lands in the Parish of *Yate* in the County of *Gloucester*. [18th *June* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for Materials for Roads*, § 53.; *and for Recreation of the Inhabitants*, § 54.; *and to Lord of the Manor for Right of Soil*, § 55.; *and to the Rector in lieu of Glebe and Common Rights*, § 57. *Rector's Allotment to be fenced at the general Expence*, § 62. *Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 65.]

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[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for the poor Inhabitants*, § 59.; *and for Materials for Roads*, § 61.; *and for Staithes or Landing Places*, § 62.; *and for Recreation of the Inhabitants*, § 63.; *and to Lords of Manors for Right of Soil*, § 64.; *and to the Impropriators and Vicars in lieu of Glebe and Common Rights*, § 66. *Vicar's Allotment to be fenced at the general Expence*, § 72. *Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 75.]

Cap. 10.

An Act for inclosing Lands in the Parish of *Medbourn* in the County of *Leicester*. [18th *June* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotments to be made for Materials for Roads*, § 56.; *and for Recreation of the Inhabitants*, § 57.; *and to Lord of the Manor for Right of Soil*, § 58.; *and to the Impropriators and Vicars in lieu of Glebe and Common Rights*, § 59. *Rector's Allotments to be fenced at the general Expence*, § 65. *Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act*, § 68.]

Cap. 11.

An Act to enable the Trustees of Estates held upon charitable Trusts under the Will of Sir *John Cass* Knight, deceased, to make Sale of Part of the said Estates. [18th *June* 1842.]

Cap. 12.

An Act to enable the Governors of the Hospital of King *James* founded in *Charterhouse* to endow the Perpetual Curacy of *Hartland* in the County of *Devon* with a fixed Provision out of the Tithes of the Rectory of *Hartland* aforesaid, in substitution of their present Obligation, and to sell the Right of Presentation to the said Curacy, and the said Rectory and Tithes, and also certain Lands at *Hartland* aforesaid, and to invest the Monies arising from such Sales in the Purchase of other Lands, for the Benefit of the said Hospital. [22d *June* 1842.]

Cap. 13.

An Act for inclosing Lands in the Parishes of *Britwell Salome* and *Britwell Prior* in the County of *Oxford*. [22d *June* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. (*except as altered*) *extended to this Act*, § 1. *Allotment to be made for Materials for Roads*, § 56.; *and for Recreation of the Inhabitants*, § 57.; *and to Lords*

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An Act for inclosing Lands in the Parish of *Kilmington* in the County of *Devon.* [22d *June* 1842.]

[*Powers of* 41 *G.* 3. *c.* 109. *and* 1 *&* 2 *G.* 4. *c.* 23. *(except as altered) extended to this Act,* § 1. *Allotment to be made for Materials for Roads,* § 47.; *and for Recreation of the Inhabitants,* § 48.]

Cap. 15.

An Act for carrying into effect a Partition of and other Arrangements respecting Estates in the County of *Southampton* of Sir *Frederick Hutchison Hervey Bathurst* Baronet and *Louisa Mary* his late Wife, and of the Honourable *Charlotte Georgina Harriet Craven* Widow. [30th *June* 1842.]

Cap. 16.

An Act to alter and amend Two Acts of the Eleventh of King *George* the Fourth, and Seventh of His late Majesty, in regard to the Estates of *Argyll;* and to enable *John Douglas Edward Henry,* the present Duke of *Argyll,* to borrow a further Sum of Money, and to make the same a Charge on the said Estates; and for other Purposes. [30th *June* 1842.]

Cap. 17.

An Act for vesting certain Estates appointed and devised by the Will of *George Manners* Esquire, deceased, and purchased under the Trusts thereof, in Trustees to sell the same, and to invest the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses. [9th *July* 1842.]

Cap. 18.

An Act for empowering the Trustees of *Brewood* Grammar School in the County of *Stafford* to make Sales and to grant Mining Leases of certain Parts of the Estates belonging to the said School, and for other Purposes therein mentioned. [9th *July* 1842.]

Cap. 19.

An Act for enabling the Dean and Chapter of the Cathedral and Metropolitical Church of *Saint Peter* of *York* to raise Money for the Discharge of Debts, and for effecting the Restoration and Repair of the said Cathedral Church. [9th *July* 1842.]

Cap. 20.

An Act for selling the Entailed Estate of *Monkwood* in the County of *Ayr,* belonging to *William Paterson* Esquire, and investing the Price in the Purchase of other Lands, to be entailed in lieu thereof. [16th *July* 1842.]

Cap. 21.

An Act to enable *Duncan Davidson* Esquire of *Tulloch* to execute a new Entail of his Lands and Estates of *Tulloch,* for the Purpose of rectifying a Mistake in a former Entail thereof; and for vesting Parts of these Lands and Estates in Trustees, for relieving the said *Duncan Davidson* of Sums laid out in improving the same; and for certain other Uses and Purposes. [16th *July* 1842.]

Cap. 22.

An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to grant Mining, Building, and other Leases of the Trust Estates in the County of *Durham* devised by the Will of the Duke of *Cleveland,* and to sell or exchange Parts of the same Estates. [16th *July* 1842.]

Cap. 23.

An Act for granting further Power to lease Parts of the Estates devised by the Will of *Richard* late Viscount *Fitzwilliam* deceased, situate in the City of *Dublin* and the Neighbourhood thereof, and for authorizing the Sale of certain Fee Farm and other Rents, also devised by that Will. [16th *July* 1842.]

Cap. 24.

An Act for authorizing the raising, by Mortgage of the Estates devised by the Will of the Right Honourable *William* late Earl of *Devon,* a limited Sum of Money, to be applied, under the Direction of the High Court of Chancery, in repaying to the present Earl and Lord *Courtenay* the whole or a Portion of the Monies already expended by them for the Repair and Restoration of the Castle of *Powderham* and the Buildings belonging thereto, and towards completing such Repair and Restoration; and for making Provision for Payment of the Interest of the Money so to be raised, and also for the Liquidation of the Principal; also for extending the Power to grant Building Leases contained in the Will of the said late Earl. [30th *July* 1842.]

Cap. 25.

An Act for discharging the Borough, Hundred, and Manor of *Cheltenham* in the County of *Gloucester*, and other Estates in the same County, from the Portions of the younger Children of the Right Honourable *John* Lord *Sherborne*, and the younger Children of the Honourable *James Henry Legge Dutton*, and from the Terms created for raising the same. [30th *July* 1842.]

Cap. 26.

An Act for effecting a Partition, Division, or Allotment of Estates in the Counties of *York*, *Suffolk*, and *Essex*, devised by the Will of *Atkinson Francis Gibson*, late of *Saffron Walden* in the County of *Essex*, Brewer, deceased. [30th *July* 1842.]

Cap. 27.

An Act for carrying into effect certain Provisions contained in the Will of *Thomas Swinnerton* Esquire, deceased, relative to the building of a Mansion House on the Testator's Estate at *Butterton* in the County of *Stafford*, and building a Church or Chapel on the said Estate; and for other Purposes. [30th *July* 1842.]

Cap. 28.

An Act for authorizing the Sale of Portions of the Real Estate devised by the Will of *Jane* Countess Dowager *Rosse* deceased, and for the Purchase of other Estates, to be settled to the Uses of the said Will; and for the authorizing the granting of Farming and Building Leases of the same Estates. [30th *July* 1842.]

Cap. 29.

An Act for better enabling the Trustees of the Will of the late *Charles Calland* Esquire to grant Building and Farming and Mining and other Leases of certain Estates situate in the County of *Glamorgan*, devised by the said Will, and to sell certain Portions of the same Estates, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses; and for other Purposes. [30th *July* 1842.]

Cap. 30.

An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to raise Money for rebuilding *Bridgewater House*, and for repairing and improving the *Bridgewater* Canal; and for other Purposes. [30th *July* 1842.]

Cap. 31.

An Act to extend a Power of Leasing contained in the Marriage Settlement of *Charles* Lord *Southampton* and *Harriet* Lady *Southampton* his Wife. [30th *July* 1842.]

Cap. 32.

An Act for vesting Parts of the Settled Estates of the Honourable *Edward Mostyn Lloyd Mostyn* of *Mostyn* in the County of *Flint* in Trustees, upon Trust to sell, mortgage, or exchange the same, and to lay out the Monies to arise therefrom in the Payment of Debts, Charges, and Mortgages upon or affecting the same, or other Estates settled to the same Uses, or in the Purchase of other Estates, to be settled to the same Uses; and for other Purposes. [30th *July* 1842.]

Cap. 33.

An Act to enable *George* Marquis of *Tweeddale* to borrow a certain Sum of Money upon the Security of his Entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [30th *July* 1842.]

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Cap. 35.

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* *Signifies that the Act relates exclusively to Ireland.*

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